

HF3697 - 0 - Ignition Interlock Program Participation Limited

Chief Author: **Erin Koegel**
 Committee: **Transportation Finance**
 Date Completed: **3/19/2024 9:32:37 AM**
 Lead Agency: **Public Safety Dept**
 Other Agencies:
 Administrative Hearings

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Public Safety Dept						
Restrict Misc. Special Revenue	-	-	1,051	934	794	
State Total						
Administrative Hearings	-	-	-	-	-	-
Restrict Misc. Special Revenue	-	-	1,051	934	794	
Total	-	-	1,051	934	794	
Biennial Total			1,051			1,728

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	9.34	9.34	8.34
Total	-	-	9.34	9.34	8.34

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/19/2024 9:32:37 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	1,051	934	794
Total	-	-	1,051	934	794
Biennial Total			1,051		1,728
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	33	-	-
Public Safety Dept					
Restrict Misc. Special Revenue					
Expenditures	-	-	1,211	934	794
Absorbed Costs	-	-	(160)	-	-
Total	-	-	1,084	934	794
Biennial Total			1,084		1,728
2 - Revenues, Transfers In*					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	33	-	-
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	-	33	-	-
Biennial Total			33		-

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State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	1,051	934	794	
Total	-	-	1,051	934	794	
Biennial Total			1,051		1,728	

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	9.34	9.34	8.34
Total	-	-	9.34	9.34	8.34

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 3/19/2024 9:32:28 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	1,051	934	794	
Total	-	-	1,051	934	794	
Biennial Total			1,051		1,728	
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Restrict Misc. Special Revenue						
Expenditures	-	-	1,211	934	794	
Absorbed Costs	-	-	(160)	-	-	
Total	-	-	1,051	934	794	
Biennial Total			1,051		1,728	
2 - Revenues, Transfers In*						
Restrict Misc. Special Revenue						
Total	-	-	-	-	-	
Biennial Total			-		-	

Bill Description

Relating to public safety; limiting the requirement to participate in the ignition interlock program to individuals whose driver's license is revoked, canceled, or denied for an incident involving alcohol; establishing an intensive testing program for individuals whose driver's license is revoked, canceled, or denied for an incident involving a controlled substance or an intoxicating substance; amending Minnesota Statutes 2022, sections 169A.55, subdivision 4; 171.306, subdivision 1; Minnesota Statutes 2023 Supplement, section 169A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171.

Assumptions

Intensive Testing Program (ITP)

Assume new Intensive Testing Program (ITP) area created within the Department of Public Safety Driver and Vehicle Services Division (DVS) to administer the new program. ITP unit will be responsible to draft and implement program guidelines; collect, monitor, and implement program data. DVS consulted with both the Ignition Interlock Device Program (IIDP) at DVS and the Health Professionals Services Program (HPSP) to develop staffing needs and classifications. While DVS' IIDP is vastly different from the proposed ITP, this provides the most similar staffing model to determine classifications and structure. Where IIDP is mostly run by IIDP manufacturers with DVS administering the program and ensuring compliance via reporting through the devices. ITP requires DVS to set up a process to randomly screen participants, find appropriate collection sites, collect the data, confirm that tests were submitted in the proper timeframe, and track all violations.

Assume seven new FTEs for ITP with the following classifications: one supervisor, Office Services Supervisor 2 (OSS2); Office and Administration Specialist Senior (OASS), office staff (five FTE); Office and Administration Specialist Principle (OASP), office staff lead.

Assume there are 3,093 individuals who qualify for the program the first year and represent approximately 13% of the 23,376 total individuals currently in the Ignition Interlock Device Program (IIDP) (3,093 / 23,376 = 13%). Assume each of the 6 FTEs in the ITP (excluding the supervisor) will have a caseload of approximately 516 individuals annually (3,093 / 6 = 516).

Assume 4 hours per case per FTE per year for six FTEs (excluding the supervisor). 4 hours x 3,093 participants = 12,372

case hours. $12,372 \text{ case hours} / 2088 \text{ working hours} = 6 \text{ FTE}$.

The creation of ITP will create an initial decrease in IIDP caseload. The current estimated caseload hours for 5 existing IIDP FTEs is 0.45 hours per participant ($5 * 2088 = 10,440 / 23,376 = 0.45 \text{ hours}$). Assume overall caseload decreases by a total of 1,381 hours, or 0.66 FTE ($0.45 * 3093 = 1,381 / 2088 = 0.66$). The average hourly rate + fringe of the IIDP FTEs is \$34.71 multiplied times 1381 hours, and that equals an estimated cost savings of \$47,947.

Although cost savings are estimated, DVS notes that new enrollment in IIDP has consistently increased each year from 2020 to 2024 by an average of 14.7% per year. If this trend continues, DVS will evaluate staffing needs to manage the case load. IIDP is funded by 50% special revenue funds and 50% federal traffic safety grant funds.

Assume each FTE OSS2 with an annual salary and fringe of \$95,667 (step 6) to manage staff, and oversee the new ITP division.

One-time costs for OSS2:

Furniture = \$6,466
Sit to stand desk = \$800
Office Chair = \$500
Computer monitor (x 2) = \$290

Total one-time costs = \$8,056

Monthly costs for OSS2:

Office space $\$215 \times 12 = \$2,580$
Laptop computers $\$77.98 \times 12 = \935.76
Employee computing $\$53.89 \times 12 = \646.68
Telephone-desk $\$40 \times 12 = \480
Office supplies $\$8.25 \times 12 = \99

Total annual monthly costs = \$4,741.44

Assume total costs OSS2 FY25 = \$108,464 ($\$95,667 + \$8,056 + \$4,741.44 = \$108,464$)

Assume total costs OSS2 FY26 and beyond = \$100,408 ($\$95,667 + \$4,741.44 = \$100,408$)

Assume each FTE OASP as a lead office staff with an annual salary and fringe of \$93,662 (step 7) to serve as a contact point for office and field staff, share caseload, with freedom to act regarding decision making and implementation of policy and guidelines.

One-time costs per OASP:

Sit to stand desk = \$800
Office Chair = \$500
Computer monitor (x 2) = \$290

Total one-time costs for = \$1,590

Monthly costs for OASP:

Office space $\$215 \times 12 = \$2,580$
Laptop computers $\$77.98 \times 12 = \935.76
Employee computing $\$53.89 \times 12 = \646.68
Telephone-desk $\$40 \times 12 = \480
Office supplies $\$8.25 \times 12 = \99

Total annual monthly costs = \$4,741.44

Assume total costs OASP FY25 = \$99,993 ($\$93,662 + \$1,590 + \$4,741.44 = \$99,993$)

Assume total costs OASP FY26 and beyond = \$98,403 (\$93,662 + \$4,741.44 = \$98,403)

Assume ITP program requires additional DVS resources to administer and set up toxicology screening program, approve collection sites, ensure participants understand and follow requirements, track results and violations, and monitor completions of the program. Assume 5 OASS are needed for these tasks. Assume each FTE OASS staff with an annual salary and fringe at a cost of \$441,080 (\$88,216 (step 7) x 5 = \$441,080) to monitor and maintain customer records and administrative review for program enrollees.

One-time costs OASS:

Sit to stand desk = \$800
Office Chair = \$500
Computer monitor (x 2) = \$290

Total one-time costs for OASP, OASS = \$1,590 x 5 = \$7,950

Monthly costs per OASS:

Office space \$215 x 12 = \$2,580
Laptop computers \$77.98 x 12 = \$935.76
Employee computing \$53.89 x 12 = \$646.68
Telephone-desk \$40 x 12 = \$480
Office supplies \$8.25 x 12 = \$99

Total annual monthly costs = \$4,741.44 x 5 = \$23,707.20

Assume total costs five OASS FY25 = \$472,737 (\$441,080 + \$7,950+ \$23,707.20= \$472,737)

Assume total costs five OASS FY26 and beyond = \$464,787 (\$441,080+ \$23,707.20 = \$464,787)

Assume division will create FAQ sheets, denial, approval, request for information, and other system letters to administer the program. Assume costs of the creation of these documents minimal will be absorbed by the department with resources of the new staff.

Assume all documents will be translated into nine languages, consistent with department policies (Somali, Hmong, Russian, Vietnamese, Karen, Dari, Pashto, Ukrainian, and Spanish).

Assume document translations at a cost of \$12,060. (Spanish \$875 + Somali \$1,532 + Hmong \$1,225 +

Russian \$1,006 + Vietnamese \$1,182 + Karen \$1,967 + Dari \$1,298 + Pashto \$1,400 + Ukrainian \$1,575 = \$12,060).

Assume the Public Information Center (PIC) averages 122 calls and emails per day pertaining to Ignition Interlock, staffed by 8 PIC FTEs that each respond to 15 calls or emails on average per day (122 / 8 = 15.25). Based on data from the call center, these are some of the longest and most complicated calls handled by the PIC.

Assume the new program will result in an average of 16 additional calls and emails per day to the PIC to answer questions pertaining to the enrollment or administration of the program. Using a dedicated line, these calls are estimated to be longer and more complex based on similar experiences cited by HPSP; customers will have questions related to toxicology screening requirements, places where they can have their toxicology screening completed, complaints when they are unable to complete screening, and questions or individuals calling to contest the results of their toxicology screens. Based on the assumed increase in length and complexity compared to IIDP calls, each FTE will be able to manage fewer calls than FTEs fielding calls in IIDP. These calls will be handled exclusively by 2 additional full-time (FTE) Customer Service Specialists-Senior (step 6), with an annual salary of \$167,951 (\$83,975 x 2 = \$167,951) for FY25 and beyond.

One-time costs per CSS-S FTE:

Cubicle furniture = \$6,466
Office Chairs = \$500
Telephone w/headset = \$484
Computer monitors \$145 x 2 = \$290

Software = \$2,280

Total One-time Costs per FTE = \$10,020

Total one-time costs: \$10,020 x 2 OAS-S FTEs = \$20,040

Monthly costs per CSS-S FTE:

Office Space \$215.00 x 12 = \$2,580

Laptop Computer Rental \$77.98 x 12 = \$936

Employee Computing \$53.89 x 12 = \$647

Telephone Call Center \$92.28 x 12 = \$1,107

Office supplies \$8.25 x 12 = \$99

Total Annual Monthly Costs per FTE = \$5,369

Total Annual Monthly Costs: \$5,369 x 2 OAS-S FTEs = \$10,738

Assume total costs two CSSS FY25 = \$198,729 (\$167,951 + \$20,040 + \$10,738 = \$198,729)

Assume total costs two CSSS FY26 and beyond = \$178,689 (\$167,951 + \$10,738 = \$178,689)

Rulemaking

Assume DVS will require a clear grant of rulemaking authority to create program guidelines subject to Chapter 14.

Assume DVS currently has no rulemaking staff and will hire one FTE Staff Attorney 2 (SA2) as lead counsel in the rulemaking process to manage the entire rulemaking process. Assume the rulemaking process for these guidelines will be a large rule and take approximately 18-24 months to complete the rulemaking. Assume the SA2 will be hired with an annual salary and fringe of \$135,162 (step 6). Assume the SA2 will only be need through FY26 to complete the rulemaking.

One-time costs for SA2:

Furniture = \$6,466

Sit to stand desk = \$800

Office Chair = \$500

Computer monitor (x 2) = \$290

Total one-time costs for SA2 = \$8,056

Monthly costs for SA2

Office space \$215 x 12 = \$2,580 Laptop computers \$77.98 x 12 = \$935.76 Employee computing \$53.89 x 12 =

\$646.68 Telephone-desk \$40 x 12 = \$480 Office supplies \$8.25 x 12 = \$99

Total annual monthly costs = \$4,741

Assume total costs SA2 FY25 = \$147,959 (\$135,162 + \$8,056 + \$4,741 = \$147,959)

Assume total costs SA2 FY26 = \$139,903 (\$135,162 + \$4,741 = \$139,903)

Rulemaking costs and fees

Office of Attorney General Legal fees (\$163/hour x 86 hours) = \$14,018

Office of Administrative Hearings:

·Admin. Law Judge 135 hours at \$245/hour = \$33,075

·Filing Fee = \$50

State Register (\$135/page) publishing fees:

·Request for Comments = \$270

·Notice of Intent to Adopt Rules (with rule text published) = \$7,560

·Notice of Adoption (without rule text published) = \$60

Miscellaneous:

·Mailings = \$925

·Duplicating = \$1,500

·Transcripts = \$1,000

·Committee costs, outstate meetings = \$500

Total rulemaking costs and fees FY25 = \$58,958

Assume there will be no partial pay or reduced fee option for ITP participants. Assume enrollees will be responsible for all sample collection, lab, toxicology screening, and other related costs and fees.

Assume customers with both alcohol and controlled substance violations would default to statutes regarding driving while under the influence of alcohol and participate in IIDP.

Assume 3,093 current customers who have controlled substance violations would qualify for the ITP. Assume 1% of customers who meet criteria are active participants in IIDP.

Assume urine analysis (UA) to be the sole method for collecting controlled substance monitoring data. Assume DVS will contract with one single toxicology lab to conduct toxicology screening and participants will have their samples collected and mailed to the single toxicology lab for testing.

Assume the department will issue a Request for Proposal (RFP) for lab participation. Assume RFP process to take four to six months to complete.

Assume programming change in MNDRIVE to interface with the new division. Assume this programming change will handle tasks, reports, customer record maintenance, sending letters, interface with 3rd party toxicology lab, randomize UA schedule and communicate with customers, and all other data needs of the division as necessary. Assume cost of MNDRIVE programming change to be \$160,000 (800 hours x \$200 per hour = \$160,000). Assume this cost will be paid out of the Driver and Vehicle Services Technology Account and can be absorbed.

Assume all UA test kits to be supplied by a single vendor for consistency. Assume test kits to be supplied by vendor at customer's expense. Assume test kits to be returned to and processed by vendor at customer's expense.

Assume MNDRIVE will require an interface to be created to receive relevant urine analysis data.

Assume DVS cannot complete an 18-24 month rule writing, hire necessary staff, and complete 20 weeks of programming by August 1, 2024, and the effective date cannot be met.

Expenditure and/or Revenue Formula

FY25

OSS2 = \$108,464

OASP = \$99,993

Five OASS = \$472,737

Translation Costs = \$12,060

Two CSSS = \$198,729

SA2 = \$147,959

Rulemaking costs and fees = \$58,958

MNDRIVE Programming = \$160,000

IIDP cost savings =(\$47,947)

Total expenditures Restricted Special Revenue Driver and Vehicle Services Operating Account (DVSOA) FY25 = \$1,210,954

Total absorbed expenditures Restricted Special Revenue Driver and Vehicle Services Technology Account FY25 = \$160,000

FY26

OSS2 = \$100,408

OASP = \$98,403

Five OASS = \$464,787

Two CSSS = \$178,689

SA2 = \$139,903

IIDP cost savings =(\$47,947)

Total expenditures Restricted Special Revenue Driver and Vehicle Services Operating Account (DVSOA) FY26 = \$934,244

FY27 and Beyond

OSS2 = \$100,408

OASP = \$98,403

Five OASS = \$464,787

Two CSSS = \$178,689

IIDP cost savings = (\$47,947)

Total expenditures Restricted Special Revenue Driver and Vehicle Services Operating Account (DVSOA) FY27 = \$794,340

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Pong Xiong 651-201-7580

Agency Fiscal Note Coordinator Signature: Nicole Mickelson

Phone: 651-201-7045

Date: 3/18/2024 8:34:59 PM

Email: nicole.mickelson@state.mn.us

HF3697 - 0 - Ignition Interlock Program Participation Limited

Chief Author: **Erin Koegel**
 Committee: **Transportation Finance**
 Date Completed: **3/19/2024 9:32:37 AM**
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 2/29/2024 8:50:22 PM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Administrative Hearings	-	-	33	-	-
Total	-	-	33	-	-
Biennial Total			33		-
2 - Revenues, Transfers In*					
Administrative Hearings	-	-	33	-	-
Total	-	-	33	-	-
Biennial Total			33		-

Bill Description

HF3697 provides for the Department of Public Safety (DPS) to conduct rulemaking to establish an 'intensive testing program' for those who have had their driver's license revoked or denied for an incident involving use of a controlled or intoxicating substance.

Assumptions

The Office of Administrative Hearings (OAH) in consultation with Minnesota Management and Budget (MMB) assesses agencies the cost of services rendered to them. All agencies shall include in their budgets provisions for such assessments.

OAH has used DPS's assumption that a rulemaking of this size under chapter 14 will require an estimated 135 hours of ALJ time for activity related to rulemaking procedures. Of the total rulemaking amount estimated by DPS, \$33,075 is for the estimated 135 hours of ALJ time for this rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

Expenditure and/or Revenue Formula

Estimated 135 hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 4, Subd. 7, Rulemaking: 135 hours x \$245/hr = \$33,075 charged to DPS in FY2025 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

The costs associated with the rulemaking activities are a one-time occurrence.

Local Fiscal Impact

References/Sources

Agency Contact: Denise Collins

Agency Fiscal Note Coordinator Signature: Denise Collins

Phone: 651-3617875

Date: 2/29/2024 3:00:24 PM

Email: denise.collins@state.mn.us