

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 649 – HB 1047

March 18, 2019

SUMMARY OF BILL: Extends the “Tennessee Zero to Three Court Initiative” from January 1, 2022, to January 1, 2025. Establishes five additional zero to three court programs throughout the state on January 1, 2020. Establishes a zero to three court program has concurrent jurisdiction to reinstate a revoked or suspended driver license of a party to an action before the court and waive unpaid fines and fees based on the party's satisfactory progress toward meeting the goals of the court.

Requires the Administrative Office of the Courts (AOC) in consultation with the Department of Children’s Services (DCS) and the Council of Juvenile and Family Court Judges to determine the location of each program. Requires the AOC, in consultation with the DCS and the Department of Mental Health and Substance Abuse Services (DMHSAS) to administer the zero to three court program.

Requires all zero to three court programs established on or before January 1, 2018 to submit program data and an annual report by February 1 of each year to the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation.

Requires all zero to three court programs established on January 1, 2020, to submit program data and an annual report by February 1, 2021, and each following February 1 to the Judiciary Committee of the House of Representatives summarizing the results of the programs’ operation. Effective date beginning January 1, 2020; ceasing to be effective January 1, 2025.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$68,500/Each Year FY19-20 through FY23-24
\$34,300/FY24-25**

Other Fiscal Impact – To the extent the state is out of compliance with federal requirements for penalties on repeat intoxicated drivers, federal funding received for the National Highway System Performance Plan and the Surface Transportation Program will be decreased by approximately \$20,000,000 and reserved for alcohol-impaired driving countermeasures.

Shifting the administrative responsibilities of the program from the Department of Children Services (DCS) to the Administrative Office of the Courts will result in a decrease of Federal Title IV-E Waiver funds currently

received and used by the DCS to administer and regulate the program. The extent of any federal funding reduction is unknown; however, it is reasonably estimated that \$500,000 of Federal Title IV-E Waiver funds will not be received in each FY19-20 and FY20-21, and \$250,000 will not be received in FY21-22.

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-903(c), the DCS, in consultation with the AOC and the DMHSAS, is required to administer the zero to three court program.
- Passage of the proposed legislation will shift the administrative responsibilities of the program to the AOC.
- Based on information provided by the AOC, the proposed legislation cannot be accommodated within existing resources. The AOC will require one Program Manager position to establish and administer the five new court programs.
- The recurring increase in state expenditures associated with the new positions is estimated to be \$68,541 (\$50,000 salary + \$14,866 benefits + \$3,675 travel expenses).
- Due to the termination date provision, the increase in state expenditures in FY24-25 is estimated to be 50 percent of the full-year impact, or \$34,271 (\$68,541 x 0.50).
- The Program Manager position will no longer be needed once the program terminates effective January 1, 2025.
- Based on information provided by the Department of Transportation (TDOT), authorizing a zero to three court program to reinstate a revoked or suspended driver license of a party to an action before the court and waive unpaid fines and fees based on the party's satisfactory progress toward meeting the goals of the court would violate federal requirements for states to enforce minimum penalties for repeat intoxicated drivers.
- Pursuant to 23 U.S.C.A. § 164(b)(2), if a state is not enforcing a repeat intoxicated driver law, 2.5 percent of annual funding for the National Highway System Performance Plan and the Surface Transportation Program will be reserved and directed for the use of alcohol-impaired driving countermeasures.
- The total amount of federal funding jeopardized is estimated to be \$20,000,000.
- The DMHSAS can accommodate consulting with AOC and DCS within existing resources without an increased appropriation or reduced reversion.
- Shifting the administrative responsibilities of the program from the DCS to the AOC will result in a decrease in the use of Federal Title IV-E Waiver funds currently used by the DCS to administer and regulate the program.
- The amount of expenditures used by the DCS to administer this program is unknown; however, it is reasonably estimated that \$500,000 of such funds would have been used for a full-year. This would only impact such use from July 1, 2019, to January 1, 2022, or full-years FY19-20 and FY20-21, and a half-year in FY21-22.
- The DCS can accommodate the provisions of the proposed legislation within existing resources without an increase in expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vlh