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FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/13
 LAST UPDATED 03/11/13 **HB** _____

SPONSOR Griego

SHORT TITLE DWI Interlock Leasing **SB** 190/aHJC

ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$0.0	\$0.0	\$0.0	Nonrecurring	None

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation (DOT), Traffic Safety Division (TSD)

Department of Finance and Administration (DFA)

Public Defender Department (PDD)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to Senate Bill 190 strikes all language that previously provided for how the Local Government Division may use money appropriated to the interlock device fund. The appropriation is now “for the interlock device fund” only, with “to cover the costs of installing, leasing, and removing ignition interlock devices for indigent people” stricken.

Synopsis of Original Bill

Senate Bill 190 amends Section 11-6A-3 to indicate that \$300 thousand of the liquor excise tax revenues distributed to the local DWI grant fund is appropriated to the DFA- Local Government Division for the interlock device fund to cover the costs of installing, **leasing**, and removing ignition interlock devices for indigent people.

The bill removes a discrepancy between two statutes relating to how the appropriation can be spent by the Traffic Safety Division (TSD) of the Department of Transportation (DOT) as described in Significant Issues below.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

The bill removes a discrepancy between two statutes relating to how the appropriation can be spent:

66-8-102.3(C) states that all money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover part of the **costs of installing, removing and leasing** ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978...” while,

Section 11-6A-3E states that three hundred thousand dollars (\$300,000) of the liquor excise tax revenues distributed to the local DWI grant fund is appropriated to the division for the interlock device fund to cover the costs of **installing and removing ignition interlock devices** for indigent...”

The conflict between the local DWI grant fund appropriation to the interlock device fund and the reimbursement requirements in the interlock device fund has required the DOT/TSD to create separate accounts for each funding source to ensure there is no violation of the statutory language.

Background: The TSD processes all requests for reimbursement from ignition interlock providers and is required to pay up to \$50 for the installation, \$30 for the monthly leasing, and \$50 toward the removal of the interlock device for eligible indigent offenders. The offender is responsible for all costs that exceed the \$460 subsidy. These contribution changes to the Interlock Device Fund became effective July 1, 2010. The changes were necessary due to the fund becoming insolvent in early 2010 because of excessive use of the fund; expenditures exceeded revenues collected. The TSD determines indigent eligibility for the fund based on enrollment in one of the following five public assistance programs: TANF, general assistance, SNAP, SSI, or federal food distribution program on Indian reservations.

OTHER SUBSTANTIVE ISSUES

The DOT notes that New Mexico has been identified as a national leader in the use and administration of ignition interlock devices as a tool to combat DWI. In FY2012, there were 10,926 ignition interlock licenses issued. To date, there are over 1,345 offenders that are eligible for the indigent fund subsidy.

CEB/blm:svb