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FISCAL IMPACT REPORT

SPONSOR Vigil DATE TYPED 2-14-05 HB 667

SHORT TITLE Breath Testing Instrument Replacement SB _____

ANALYST Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$553.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Request in the General Appropriation Act, Section 5

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Health (DOH)

DWI Czar

SUMMARY

Synopsis of Bill

House Bill 667 appropriates \$553 thousand from the general fund to DOH's Scientific Laboratory Division for the purpose of replacing old breath testing instruments.

Significant Issues

DOH notes the Scientific Laboratory Division (SLD) is responsible for the selection, certification, maintenance and repair of all breath alcohol-testing instruments used by law enforcement agencies in New Mexico. Currently, the instruments are purchased by local law enforcement. No fund exists for SLD for the purchase of new instruments or the replacement of old instruments. Law enforcement agencies throughout New Mexico have to find their own funds to buy instruments. Because funds were made available on a one-time basis in 1996, a large number of instruments were purchased that year. However, in 2004, 60 percent of the 270 breath alcohol testing instruments in use by law enforcement agencies across New Mexico for DWI programs were older than their 7-year life expectancy, and there is no fund to allow their replacement. As a

result, SLD maintenance costs and time out of use for repair have increased dramatically and are increasing annually.

FISCAL IMPLICATIONS

The appropriation of \$553 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall not revert to the general fund.

By including non-reverting language, this bill provides for continuing appropriations. The LFC objects to including continuing appropriation language. Earmarking reduces the ability of the legislature to establish spending priorities and unnecessarily complicates the appropriation process.

DOH notes these funds would be used to directly purchase instruments for use by all state and local law enforcement agencies involved in the New Mexico ICO Implied Consent Program (DWI) control in New Mexico.

ADMINISTRATIVE IMPLICATIONS

The DWI Czar notes SLD is spending considerable staff time repair old breathalyzer machines that are outdated. Conceivably, replacement of some of these machines would save staff time as well as providing up to date technology in the field.

DUPLICATION

House Bill 667 duplicates a special appropriation request of \$250 thousand in non-recurring funds to purchase 33 breath-testing instruments to replace the oldest of the 270 currently in use in New Mexico by law enforcement in support of the Implied Consent Act.

KBC/yr