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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/2007

SPONSOR Stapleton LAST UPDATED \_\_\_\_\_ HB 994

SHORT TITLE Appropriation for Supplementary DWI Course SB \_\_\_\_\_

ANALYST Moser

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$250.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

NM Department of Transportation (NMDOT)

### SUMMARY

#### Synopsis of Bill

House Bill 994 provides two hundred fifty thousand dollars (\$250,000) appropriated from the general fund to the Traffic Safety Bureau of the Department of Transportation for expenditure in FY08 to support a supplementary six-hour DWI course within one year following a convicted offender's completion of the initial approved DWI school program.

### FISCAL IMPLICATIONS

The appropriation of \$250,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

### SIGNIFICANT ISSUES

The current DWI Education program operated by the NMDOT is statutorily mandated for first time DWI offenders. However, this proposed supplemental course is not statutorily mandated. Therefore, NMDOT indicates that it would be difficult to assure attendance at the new course.

## **ADMINISTRATIVE IMPLICATIONS**

NMDOT indicates that it would need to revise the current DWI School Rule to include the new supplemental course. NMDOT would also need to find a mechanism to have the new supplemental course available to offenders on a statewide basis. The department states that this could prove to be difficult since the course is not mandated and attendance is not guaranteed.

Currently, NMDOT licenses other entities to provide this course on a statewide basis. The entities are allowed to charge the offender a fee for the current course which offsets their costs of operating the course. It is not clear from this proposed bill if NMDOT or designee could charge a fee. NMDOT indicates that it would need to develop curriculum for a new six (6) hour DWI Educational program. NMDOT also conducts monitors all DWI Schools. The new supplemental course would also have to be monitored statewide for quality assurance.

## **ALTERNATIVES**

NMDOT suggests that current statute be amended to include the supplemental course. This will assure attendance and provide both the courts and the Department proper authority to administer the program.

GM/csd