

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/26/12

SPONSOR Griego, P. LAST UPDATED _____ HB _____

SHORT TITLE DWI Interlock Leasing SB 135

ANALYST Soderquist

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to House Bill 2
 Relates to Appropriation in: the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation (DOT)

No Responses Received from:

Department of Finance Administration (DFA)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 135 will amend a section of the local DWI grant fund to eliminate a conflict with the ignition interlock device fund by allowing for the leasing of interlock device for qualified indigent offenders.

FISCAL IMPLICATIONS

None. The proposed change will not affect revenues or expenditures. NMDOT will no longer need to create two separate accounts to track the funding sources.

SIGNIFICANT ISSUES

The Local DWI grant fund appropriation provides funding from the liquor excise tax revenues to the interlock device fund that must be used to cover the cost of installation and removal of ignition interlock devices for indigent people who are required to install the device. The Ignition Interlock Device fund provides a subsidy to cover the installation, lease, and removal of an ignition interlock device for eligible individuals. The interlock device fund is also supported by a \$100 fee imposed on non-indigent DWI offenders that is collected by MVD and deposited in the interlock device fund.

PERFORMANCE IMPLICATIONS

NMDOT Traffic Safety Division (TSD) provides administrative oversight of the interlock device fund. TSD determines indigent eligibility from the interlock device fund based on enrollment in 5 approved public assistance programs (TANF, general assistance, SNAP, SSI, federal food distribution program on Indian reservations). TSD also 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.

ADMINISTRATIVE IMPLICATIONS

The existing conflict between the local DWI grant fund appropriation to the interlock device fund and the reimbursement requirements in the interlock device fund require that TSD create separate accounts for each funding source to ensure there is no violation of the statutory language. The proposed legislation will eliminate the necessity for that accounting practice.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB 71.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

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 2011 there were over 11,000 ignition interlock licenses issued. To date, there are over 1,600 offenders that are eligible for the indigent fund subsidy.

ALTERNATIVES

None provided.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A conflict in statutory language will exist between the Local DWI grant fund appropriation and the interlock device fund.

RS/svb:amm