



Council Meeting Staff Report

May 28, 2024

Agenda No.:	B.
Indexes (Council Goals):	Quality Governance - Communication and Engagement
Presenters:	Alvin Leaphart
Legislative File:	CO0689-24b

Title

Incorporated County of Los Alamos Code Ordinance 02-358 - A Code Ordinance Amending Chapter 38, Traffic and Vehicles, Article V, Section 293, to Abolish Certain Fee Assessments Associated with a Conviction for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs to Comply with Amendments to State Law that Take Effect July 1, 2024

Recommended Action

I move that Council adopt Incorporated County of Los Alamos Code Ordinance 02-358 - A Code Ordinance Amending Chapter 38, Traffic and Vehicles, Article V, Section 293, to Abolish Certain Fee Assessments Associated with a Conviction for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs to Comply with Amendments to State Law that Take Effect July 1, 2024 and ask the staff to assure that it is published as provided in the County Charter.

County Manager's Recommendation

The County Manager recommends that Council adopt this Code Ordinance.

Body

On April 5, 2023, HB 139 was signed into law by the Governor. This law becomes effective July 1, 2024. This law eliminates certain fees municipal courts in the state can impose, in particular, a \$85.00 fee that defrays the costs incurred by the State of New Mexico for chemical and other tests used to determine whether the accused driver is under the influence of alcohol or drugs and a \$75.00 fee that helps the State of New Mexico fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs or for other traffic safety purposes. These fees are codified in the County Code in Section 293, Article V of Chapter 38 (Traffic and Vehicles).

This amendment removes those fees from the County Code so the County Code will comply with HB 139 which becomes effective on July 1, 2024.

Alternatives

Council could not approve this ordinance. However, if Council does not approve the ordinance the County could not collect these fees as the fees have been abolished by state legislature and the County Code would contain sections that are in derogation of state law.

Fiscal and Staff Impact/Planned Item

The abolishment will have no fiscal impact on the County.

Attachments

- A - Incorporated County of Los Alamos Code Ordinance No. 02-357
- B - Publication Notice