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FISCAL IMPACT REPORT

SPONSOR: Lyons DATE TYPED: 02/14/01 HB _____
 SHORT TITLE: Residence Requirement for Venue Selection SB 405
 ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Attorney General's Office

SUMMARY

Synopsis of Bill

Senate Bill 405 amends Section 40-4-4 NMSA 1978, which specifies the venue requirements for any proceeding for the dissolution of marriage, division of property, disposition of children or alimony, so that the proceeding may be instituted in the county where either party "has resided for at least thirty days" rather than just the current county where either of the parties resides.

Significant Issues

Due to the ambiguity of the 30-day residency requirement, the intent can be interpreted to allow the specified proceedings to be instituted in any county where a party has resided for 30 days, regardless of when that period of residence occurred.

TECHNICAL ISSUES

If the intent of the bill is to limit venue to counties where a party is currently residing and has resided at least 30 days prior to instituting the proceeding, the bill as written with the amended language may be interpreted to allow venue in any county in which a party has resided at one time or another for a period of 30 days. Therefore, the following amendments are offered:

Insert the phrase "resides and" between the words "parties" and "has" in Section 1, line 21 of the bill, and insert the phrase "immediately preceding the institution of the proceeding" after the word "days" in Section 1, line 22 of the bill.

JMG/ar