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FISCAL IMPACT REPORT

SPONSOR:	Salazar	DATE TYPED:	02/08/00	HB	12/aHAFC
SHORT TITLE:	Reimburse Counties for Inmate Costs			SB	
				ANALYST:	Gonzales

APPROPRIATION

(in thousands)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	\$ 0.0				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

Local Government Division (LGD)

Department of Finance and Administration (DFA)

New Mexico Association of Counties

SUMMARY

This bill is for the Courts, Corrections and Criminal Justice Committee.

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment eliminates the \$750.0 appropriation and changes the effective date of the provisions in this bill from July 1, 2000 to July 1, 2001.

Synopsis of Bill

House Bill 12 amends Section 4-44-18 NMSA 1978 and Section 4-44-20 NMSA 1978 to require the state to reimburse counties for 75 percent of the costs for per diem, mileage and other necessary travel expenses incurred while extraditing and transporting prisoners. Additionally, the bill states that a single county shall not receive more than 50 percent of the total amount of money allocated to all counties as reimbursement. The provisions of this bill would become effective July 1, 2000. This bill also makes a general fund appropriation of \$750.0 to reimburse counties for the expenses states above.

Significant Issues

This bill make the reimbursement mandatory at 75 percent rather than discretionary.

According to the LGD, "most of the prisoners being transported have either been convicted and sentenced under state law or have been charged under state law and are waiting adjudication." The county Sheriff's Office provides transportation services at the discretion of a State Court.

During the 1999 regular legislative session, a bill identical to the purpose of this bill but without the appropriation passed the Legislature but was vetoed.

The New Mexico Association of Counties supports this legislation.

FISCAL IMPLICATIONS

This bill appropriates \$750.0 from the general fund to LGD for expenditure in fiscal year 2001 for the purpose of reimbursing counties for the expense of extraditing, transporting and feeding state prisoners. Any unexpended or unencumbered balance remaining at the end of fiscal year 2001 reverts to the general fund.

The Association of Counties estimates that counties spend approximately \$1 million per year for reimbursable costs. Based on this estimate, the appropriation provided for in this bill will be sufficient for the required reimbursement by the state at 75 percent. When State funds are not available, the counties must divert funding from other law enforcement and detention activities to cover the court mandates and Governor's warrants for transporting and extraditing prisoners. The New Mexico Association of Counties states that law enforcement and detention are two of counties fastest escalating expense areas.

Appropriations for the purpose intended in this bill have decreased significantly over the last six years. According to LGD, the State reimbursed counties an annual average of \$365.2 over a six year period between FY93 and FY98. The reimbursements ranged from a high of \$464.2 in FY93 to a low of \$175.0 in FY98. No state appropriation has been appropriated for the purpose of this bill since FY98.

TECHNICAL ISSUES

LGD notes the following issue:

On page 3, lines 15-17, the new sentence beginning "A county shall be..." refers to "prisoners in transit." which includes all prisoners in transit. The sentence should be consistent with the previous section (page 2, lines 17-21) and refer only to "...extraditing prisoners from without the state and for transporting persons committed by a court to any state institution or required to be returned by order of the court from any state institution to the county of commitment." The bill should be amended to specifically describe the population included in the phrase "...prisoners in transit."

JMG/sb:jsp