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FISCAL IMPACT REPORT

SPONSOR Snyder DATE TYPED 2/9/05 HB _____
SHORT TITLE Study District Courts and Attorney Statutes SB SJM 22
ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		Indeterminate		

SOURCES OF INFORMATION

LFC Files
Administrative Office of the Courts (AOC)

No Response Received From
Administrative Office of the District Attorneys (AODA)
The New Mexico Association of Counties (NMAC)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 22 proposes that the Administrative Office of the Courts (AOC), the Administrative Office of the District Attorneys (AODA) and the New Mexico Association of Counties (NMAC) study the statutory requirements that counties provide: “adequate quarters,” “necessary utilities” and “maintenance service” for district court and district attorney facilities.

AOC, AODA and NMAC would be charged according to the proposed SJM22 to develop a clear definition of “adequate quarters” and “necessary utilities and maintenance service” or to develop guidelines detailing the respective responsibilities of the counties and the state.

The memorial resolves that a report of the study’s findings would be reported to the Corrections Oversight, Courts and Justice Committee no later than November 30, 2005.

Copies of the Joint Memorial are resolved to be transmitted to AOC, AODA, and NMAC.

Significant Issues.

The current statute requires the counties to provide adequate quarters for the operation of the district courts, including juvenile probation services, and district attorneys, and for the counties to

provide necessary utilities and maintenance service for the operation and upkeep of the district court and district attorney facilities.

“Adequate quarters,” “necessary utilities” and “maintenance service” are not defined in statute.

AOC asserts that the lack of clear definition has led to confusion and lawsuits between the courts and the counties in trying to determine the respective financial responsibilities of the counties and the state. AOC further states that the counties, the state and the district courts would benefit from clear definitions or guidelines.

Requested budgets submitted by the district courts are not as standardized regarding facility operational and structural requests as they may be, should standardized definitions be agreed upon.

Funding for court and DA facilities is not uniform across the state’s counties and requests for facilities funding is not readily available from the legislature because statute provides for “adequate quarters, necessary utilities and maintenance service” to be funded by the counties.

PERFORMANCE IMPLICATIONS

The district courts and district attorneys are participating in performance-based budgeting. Related performance implications to the proposed memorial would be related to administrative time spent on the study and time saved should the study prove to increase efficiency in facility planning for all parties.

FISCAL IMPLICATIONS

This memorial does not propose the use of any funds for the study. However, the fiscal implications would result from AOC, AODA and NMAC providing personnel to participate in the study as needed.

ADMINISTRATIVE IMPLICATIONS

The AOC, AODA and NMAC would incur administrative costs in time used to accomplish the study. Should the study result in improvements, the costs in time may later be recovered in more efficient coordination between the parties.

OTHER SUBSTANTIVE ISSUES

Variation in interpretation of the current statute often is related to the financial capabilities of a particular county and the expectations of the courts.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

There will continue to be multiple interpretations of the current statute. The AOC, AODA, and NMAC would be free to conduct the study without legislative action.

EM/yr