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FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/2007

SPONSOR Snyder LAST UPDATED 2/14/2007 HB _____

SHORT TITLE District Court and Attorney Quarters SB 491/a SJC/a SFC

ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown	Unknown	Unknown	Recurring	General / County

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorney (AODA)

Response Not Received From

Association of Counties

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee Amendment clarifies that each county will provide “adequate quarters” for district attorney facilities; and, defines such to include buildings, permanent fixtures, and any other items reasonably expected to be part of the building.

Synopsis of SJC Amendment

The amendment proposed by the Senate Judiciary Committee removes certain items that were listed as the counties responsibility.

For the District Courts; *parking, other built-in furniture and security personnel* have been removed from the “adequate quarters” section.

For the District Attorney, *security personnel* has been removed from the “adequate quarters” section.

Synopsis of Original Bill

Senate Bill 491 clarifies the duty of the counties to provide adequate quarters, maintenance service and necessary utilities for the district courts and district attorneys.

The State (district courts and district attorneys) pays for:

1. movable personal property, including furniture, equipment, books and supplies; moving expenses;
2. security equipment including video cameras and equipment, key cards, magnetometers, and x-ray machines;
3. information technology equipment, systems and service of any type, including basic wire telephone equipment, systems and service and voice, data and low-voltage infrastructure systems inside the court quarters in compliance with the telecommunication standard for building and campus distribution systems promulgated by the general services department or the office of the New Mexico chief information officer; and
4. special configurations of quarters space to accommodate moveable personal property, including computer cabling, conduit and plenums and raised floors to accommodate computer cabling.

The County pays for:

1. building, parking and permanent fixtures including fixed jury and witness chairs, judges' benches, other built-in furniture and any other items reasonably expected to remain part of the building;
2. voice, data and low-voltage infrastructure systems outside the court quarters in compliance with the telecommunication standard for building and campus distribution systems promulgated by the general services department or the office of the new mexico chief information officer;
3. general security for the building in which the quarters are located, including locks, sprinkler systems, door and fire alarms, fire extinguishers and security personnel; and
4. window and floor coverings;
5. "maintenance service" applies only to the adequate quarters and necessary utilities provided by the county; and
6. "necessary utilities" means electricity, lighting, heating, cooling, ventilation, plumbing and restroom facilities and garbage, refuse and recycling services

FISCAL IMPLICATIONS

The Administrative Office of the Courts states that the financial impact to the state is unknown because it is based upon how many courthouses will be built or renovated in the future. One ongoing cost to the county is security personnel. At this time, the counties pay an estimated \$4,000.0 for court security personnel costs.

The Administrative Office of the District Attorney states that this bill will affect the local county's budget as well as the District Court and District Attorney's budget in terms of certain capital outlay and recurring costs.

SIGNIFICANT ISSUES

According to the Administrative Office of the Courts, there is confusion between the state and the counties on the respective financial responsibilities of each, although the statute requires the counties to be responsible for the space of the district courts statewide. Both the counties, the state and the district courts would benefit from clear definitions or guidelines. This allows the district courts to submit concrete budgets to the Legislature for funding of utilities and/or services not covered by the county. The courts can then move forward in obtaining facilities that are safe and functional for the public and court staff.

TECHNICAL ISSUES

The Administrative Office of the District Attorney notes the following technical issue:

Section 34-6-24 as previously existing and in the current proposed bill states that the county shall provide facilities for juvenile probation services. At the time the original statute was enacted juvenile probation services were an entity of the district court. They are now under the Children, Youth & Families Department. It is unclear whether the county or the CY&FD should be the appropriate source for the facilities expense.

The bill does not clarify which entity would be responsible for structural upgrades for handicapped access. However, that issue may be covered by existing state and federal authority.

BS/mt:nt