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FISCAL IMPACT REPORT

ORIGINAL DATE 1/13/17

SPONSOR Stewart LAST UPDATED _____ HB _____

SHORT TITLE Court Language Access Fund SB 65

ANALYST Downs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 65 creates the Language Access Fund (LAF), a nonreverting fund to be administered by the Administrative Office of the Courts (AOC). The LAF would be funded through appropriations as well as fees and other revenue collected by the New Mexico Center for Language Access. Expenditures of appropriated and budgeted funds would provide court interpreters, fund the operation of the New Mexico Center for Language Access, fund language access services at the AOC, and fund language training and other activities required to meet constitutional and statutory requirements to provide language access in courts and court-related activities. Separating language access appropriations from jury and witness appropriations will allow for cleaner reporting and reconciliation.

Senate Bill 65 also amends the existing language in section 34-9-1, NMSA 1978 to remove “court interpreters” from activities paid for by the Jury and Witness Fund.

FISCAL IMPLICATIONS

There is no fiscal impact reported by the Administrative Office of the Courts for the creation of a new fund for interpreter costs. AOC reported half of the expenditures from the Jury and Witness Fund go to court interpreter associated expenses, exceeding \$4 million annually.

SIGNIFICANT ISSUES

The initiative to separate interpreter costs from the Jury and Witness Fund is supported by the New Mexico Supreme Court and included in the Judiciary's Unified Budget. Though interpreter costs were initially only a small expense from the Jury and Witness Fund, over time, provision of language access has become a statutory requirement of the courts for litigants with limited English proficiency. The expenditure levels associated with interpreters has grown to the point of needing separate management.

The Jury and Witness fund has had insufficient funds to support both juror and interpreter costs, causing a cycle of appropriations, Board of Finance grants, and supplemental and deficiency requests to cover the expenditures for the two distinct services. Within AOC, jury and witness services are managed completely separately from interpreter services; despite the fact funding comes from the same source. According to AOC, financially dividing the two services would make it easier to determine where and why shortfalls occur, and would allow closer scrutiny of both the operations and expenditures within the programs. Additionally, the separation of the funds would allow both services to be separately audited, contributing to increased accountability and more efficient management.

The U.S. Department of Justice has targeted language access programs in more than two dozen states, entering into agreements or litigation to initiate broader and better-run language access programs. According to AOC, New Mexico's language access program has focused on compliance with the constitution, and to do so, has overseen the certification of interpreters, provided high quality training for both interpreters and other court staff, created statewide language access plans, and targeted the careful management of funding.

PERFORMANCE IMPLICATIONS

AOC reported it expects to be required to develop and report on different performance measures for the two services, should language access be separated from the Jury and Witness Fund.

TECHNICAL ISSUES

The creation of a fund is considered an appropriation even though no funds are directly appropriated in the bill. The title of the bill should be amended by adding "Making an Appropriation" at the end of line 14, page 1.

JD/al/jle