

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC's office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT



SPONSOR: Godbey DATE TYPED: 02/04/02 HB 384

SHORT TITLE: Reduce Certain FY03 Appropriations SB _____

ANALYST: Burch

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	(42,846.1)			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to appropriations in The General Appropriation Act for the Department of Public Safety, district courts, magistrate courts, Bernalillo County Metropolitan Court, district attorneys, Corrections Department, Children, Youth and Families Department and Taxation and Revenue Department

Relates to House Bill 25

SOURCES OF INFORMATION

- LFC files
- Administrative Office of the Courts
- Bernalillo County Metropolitan Court (no agency analysis received)
- Administrative Office of the District Attorneys (no agency analysis received)
- Taxation and Revenue Department (no agency analysis received)
- Department of Finance and Administration (no agency analysis received)
- Department of Health (no agency analysis received)
- Children, Youth and Families Department (no agency analysis received)
- Corrections Department (no agency analysis received)
- Department of Public Safety

SUMMARY

Synopsis of Bill

House Bill 384 requires the reduction of FY03 general fund appropriations contained in the General Appropriation Act of 2002 if any law that decriminalizes the possession or distribution of a controlled substance as defined on January 1, 2002 is enacted.

The agencies that will have their appropriations decreased are:

- Department of Public Safety,
- District courts,
- Magistrate courts,
- Bernalillo County Metropolitan Court,
- District attorneys,
- Corrections Department,
- Children, Youth and Families Department, and
- Taxation and Revenue Department

Significant Issues

Controlled substances are defined in five schedules contained in Sections 30-31-5 through 30-31-10 NMSA 1978.

PERFORMANCE IMPLICATIONS

The Administrative Office of the Courts reports that the reductions, resulting in a 3 percent decrease of the total judicial branch budget, would have serious effects on each court's ability to perform basic functions. The AOC believes many of the courts currently operate below necessary staff and judge levels.

The Department of Public Safety reports the reduction is a 12 percent decrease in the Law Enforcement Program budget. Fewer officers on the roads would mean fewer patrol hours and arrests and longer response times. There are many other illegal narcotics in law that will not be affected by decriminalization of marijuana. The ability of the Department of Public Safety to achieve targets under the following performance measures will be impacted:

- Number of patrol hours – coverage will be reduced
- Average response time to emergency calls, in minutes – response time will go up
- Overtime cost per commissioned officer – overtime cost will go up
- Number of DWI enforcement hours – less officers will result in less DWI enforcement hours
- Number of alcohol enforcement operations – there will be fewer enforcement operations
- Number of narcotics buys – buys are mostly for drugs like heroin, cocaine and methamphetamines
- Number of illegal narcotic-related arrests – arrests will be reduced

FISCAL IMPLICATIONS

The bill reduces general fund appropriations contained in the General Appropriation Act of 2002 as follows:

Agency	Amount
Department of Public Safety Law Enforcement Program	6,710,862
District Courts	1,478,062
Magistrate Courts	370,847
Bernalillo County Metropolitan Court	1,445,343
District Attorneys	4,462,977
Corrections Department	27,500,000

Agency	Amount
Children, Youth and Families Department	142,000
Taxation and Revenue Department	736,000
Total	42,846,091

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety reports that the reduction would required layoff of well over 100 persons; scheduling for 24-hour coverage statewide would be impacted which will make it more dangerous for officers on the road and open the agency to violations of the Fair Labor Standards Act.

RELATIONSHIP

House Bill 25 decriminalizes the possession of one ounce or less of marijuana for adults and creates a civil fine for the offenses.

DKB/njw