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## FISCAL IMPACT REPORT



SPONSOR: Aragon DATE TYPED: 01/23/02 HB \_\_\_\_\_

SHORT TITLE: Court Facilities Improvement Study SB 2

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
\$1,500.0				Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
LFC files

### SUMMARY

#### Synopsis of Bill

Senate Bill 2 appropriates \$1,500.0 from the general fund to the Administrative Office of the Courts (AOC) to hire a contractor(s) to study, inventory and establish a statewide database of district court facilities statewide, including a review of compliance with building and safety codes, structural adequacy, security for facility users, and current and future space needs in FY02 and FY03. The study will also include the estimated cost of repairing and renovating each court facility studied. The AOC can select one or more contractors for the study.

The bill contains an emergency clause so the act takes effect immediately.

#### Significant Issues

1. The magistrate courts have a Supreme Court-sanctioned document entitled *Facility Standards for Magistrate Courts in New Mexico*. It details minimum standards for square footage and space allocation, sound proofing for walls, security features, parking, signage, bathrooms, design elements and "circulation paths." The standards are meant to facilitate the process of identifying a court's needs and the eventual acquisition or renovation of space used by the magistrate courts. In addition, these standards take into consideration materials provided by the National Center for State Courts (NCSC). District courts, on the other hand,

do not have minimum statewide standards because they are funded by county governments, not the state. It is suggested that the Supreme Court develop and document district court standards first, and then conduct a court facilities improvement study in order to identify deficiencies—not the other way around. Without such standards, there is no mechanism in place in highlight courthouse deficiencies to the counties or to address the need for new or renovated district court facilities.

2. a) Since counties are responsible for the funding and maintenance of district court buildings, it is suggested that they be included in the process; county officials need to “buy in” on the idea of conducting a study of the courthouses for which they are responsible. If not, potential conflicts may develop.  
  
b) Such a “buy in” could include asking the counties to pay at least half the cost of the study for courthouses in their district. It is unclear why the state’s general fund should bear these costs. Sharing the cost with the state would demonstrate the willingness of the counties to “accept” the findings of the study. Without their acceptance, any facility study, despite the cost, would be meaningless if a county is not willing to review the results, to renovate as requested, to effectuate the necessary repairs or to provide adequate spacing.
3. The Judiciary should consider consulting with the General Services Department (GSD) to enlist its help and expertise with this project. GSD is responsible for office space management oversight, building design and construction management. Collaborating with GSD may also defray the costs of the proposed facility study.

## FISCAL IMPLICATIONS

The appropriation of \$1,500.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund.

Although there are 13 judicial districts in New Mexico, several of those districts encompass more than one county. As a result, there are actually 34 district courts throughout the state. The cost for evaluating each court pursuant to this act is \$46.8.\*

(\*The calculation does not include the 2<sup>nd</sup> Judicial District Court since it just moved into a new courthouse nor does it include the 6<sup>th</sup> District, which is currently funding and conducting its own facilities study.)

## ADMINISTRATIVE IMPLICATIONS

The AOC has stated that there would be minimal costs and administrative impact as a result of this legislation.

CMH/njw:ar