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## FISCAL IMPACT REPORT

**SPONSOR** Rawson                      **DATE TYPED** 2/26/2005                      **HB** \_\_\_\_\_

**SHORT TITLE** District Court and Attorney Facilities                      **SB** 539/aSFC

**ANALYST** McSherry

### APPROPRIATION

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Senate Bill 539 relates to SJM 22 which proposes a study be completed by the Administrative Office of the Courts, Administrative Office of District Attorneys and the New Mexico Association of Counties to determine the definitions of the terms defined in this legislation and to report the findings of the study during Fall 2005.

### SOURCES OF INFORMATION

- LFC Files
- Administrative Office of the Courts (AOC)
- Department of Finance Authority (DFA)
- Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of SFC Amendment

The Senate Finance Committee amendment to Senate Bill 539 further defines the terms “adequate quarters” “necessary utilities” for both the courts and district attorney offices. The language within “adequate quarters” recognizes the necessity for the proper wiring of the facility to accommodate voice, data and low voltage infrastructure systems inside the quarters with the telecommunication standard being that for building and campus distribution systems as promulgated by the general services department. General security of the building is defined as part of this definition. Also defined is what is not considered to be included as part of the definition. The same type of clarification occurs with “necessary utilities” as including only electricity, lighting, heating, cooling, ventilation, plumbing and restroom facilities and garbage, refuse and recycling services.

Significant Issues of the Amendment

The amendment imposes clarity to the definitions of the types of facilities and utilities that the counties are responsible for providing to the courts and district attorneys. This alleviates costly renovations and services from being the responsibility the courts and district attorneys and clarifies who is responsible for what in the facilities.

Synopsis of Original Bill

Senate Bill 539 proposes to amend Section 34-6-24 “Operation—Location of Court—Facilities” and Section 36-1-8.1 “District Attorney Facilities—Maintenance and Upkeep” by defining the terms “adequate facilities,” “necessary maintenance services” and “necessary utilities” that counties must provide to district courts and district attorneys.

“Adequate quarters” is proposed to be defined as: permanent fixtures, but not include moveable personal property.

“Necessary maintenance” is proposed to be defined as: the quarters and utilities provided by the Board of County Commissioners to other county facilities.

“Necessary utilities” is proposed to be defined as: equipment or services that the Board of County Commissioners provides to or in any other county facility.

The bill also proposes that counties “allow” certain expenses that would be the responsibility of the courts and district attorneys: installation and maintenance of moveable personal property, utilities and utility service including intranet and internet wire and wireless computer access as would be consistent with the safe operation of the quarters that the board provides to the courts and district attorneys.

Significant Issues.

Currently the standards of fiscal responsibility for district attorneys and courts are not clear and have been interpreted differently depending on the county and the financial resources available. Dispute has occurred previously regarding the meaning of “necessary utilities” and “necessary maintenance services.”

According to AOC, the establishment of clear definitions or guidelines regarding state and county responsibility would allow the district courts to build concrete budget requests for the Legislature for funding of utilities and/or services not covered by the county. AOC further asserts that the responsibility for: computer cabling and conduit, cable plenums and raised floors as needed for computer cabling are not clear in the proposed language to the agency.

AOC cites that the “needs” for district courts may be different from “needs” other county facilities.

The current statute defined the boards of county commissioners’ obligations to their respective district court and district attorneys in more general terms than the proposed legislation.

## FISCAL IMPLICATIONS

There is no appropriation contained in this bill. The bill does have significance relating to the responsible party for costs involved

The state's judicial district future budgets would be affected by this legislation. District courts and district attorneys may require financing for equipment or services that have been previously financed by county commissions. Some commissions may be required to fund additional judicial expenses that had previously been provided by the state.

It is not clear what the actual fiscal impact would be should this legislation be enacted as some of the expenses discussed would be one-time costs for new facilities and others would be operational expenses. Neither the NM Association of Counties nor the Administrative Office of the Courts has submitted projected finances which would be affected by the proposed changes. The conflict that has surfaced regarding responsibility of district expense coverage is often related to new facilities.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 539 relates to SJM 22 which proposes a study be completed by the Administrative Office of the Courts, Administrative Office of District Attorneys and the New Mexico Association of Counties to determine the definitions of the terms defined in this legislation and to report the findings of the study during Fall 2005.

## TECHNICAL ISSUES

AOC asserts that juvenile probation offices are housed in state buildings and not county buildings.

## ALTERNATIVES

Another proposal related to this bill is SJM 22, "Study District Courts and Attorney Statutes," which proposes that the Administrative Office of the Courts, the Administrative Office of the District Attorneys and the New Mexico Association of Counties develop definitions of "adequate quarters" and "necessary utilities and maintenance service" or guidelines detailing the respective responsibilities of the counties and the state. The memorial proposes that a report of the study findings would be submitted to the Corrections Oversight, Courts and Justice Committee.

AOC suggests as an alternative to the proposed amendments that NMSA 1978, Section 34-6-24 be amended as follows:

In each county, the district court shall be held at the county seat. Each board of county commissioners shall provide adequate quarters for the operation of the district court, including juvenile probation services, and provide necessary utilities and maintenance service to the operation and upkeep of district court facilities. Adequate quarters shall be deemed to include a safe and secure courthouse, adaptable to foreseeable technological innovations, and all fixtures including window and floor covering, judges' benches, jury chairs affixed to the floor, heating, air condition and ventilation, electric wiring, adequate security equipment and adequate personnel who are specifically trained in courthouse security, and voice, data and low voltage infrastructure systems inside and outside the courthouse in compliance with the Telecommunication Standard for Building and Campus Distribution Systems promulgated by the State of New Mexico's General

Services Department. In addition, the county will be responsible for installation of data circuits from the telecommunications room to the wall jacks that will serve computers, servers, printers and other computer-related devices throughout the court facility, including those required for courtroom digital audio, video arraignment and alarms. From the funds of each judicial district, furniture, equipment, books and supplies shall be provided for the operation of each district court within the judicial district.

This proposed amendment would only change the section related to courts rather than both courts and district attorneys.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

Should this bill not be enacted, confusion may continue among local boards of commissioners, district courts and district attorneys.

**POSSIBLE QUESTIONS**

Would adequate quarters as proposed include judges' benches, jury chairs affixed to the floor, heating, air conditioning and ventilation, telephone wiring, and electric wiring?

**EM/yr**