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FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/06

SPONSOR Taylor LAST UPDATED _____ HB _____

SHORT TITLE Municipality Fee For Inmates In County Jails SB 705

ANALYST Peery

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
NA	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

Department of Finance Administration (DFA)

No Responses Received From

New Mexico Sentencing Commission (NMSC)

New Mexico Corrections Department (NMCD)

NM Association of Counties (NMAC)

SUMMARY

Synopsis of Bill

Senate Bill 705 states in a class A county with a population of more than 300,000 persons, municipalities shall pay a fee to the Board of County Commissioners for each prisoner housed in a county-owned jail charged with municipal offenses or arrested by municipal officers. The proposed bill states the fee shall be a reasonable fee established by the Board of County Commissioners and approved by the Local Government Division of the Department of Finance and Administration.

FISCAL IMPLICATIONS

DFA states the language in the proposed legislation establishes the ability for counties to set a fee for prisoners charged with municipal offenses or arrested by municipal officers with the approval of the Local Government Division of the Department of Finance and Administration.

DFA states at this time the revenue impact is indeterminate. DFA reports the intention of the counties is to use the fee to help recover operational costs of such prisoners.

SIGNIFICANT ISSUES

DFA states the criteria outlined in the proposed legislation is unique only to Bernalillo county, which is the only class A county with a population of more than 300,000 persons.

DFA states according to both Bernalillo county and the City of Albuquerque, it is estimated that approximately 80 percent of prisoner population are charged with municipal offenses or arrested by municipal officers. DFA states Albuquerque is obviously the largest municipality within the county; however, Los Ranchos and Edgewood, among others, have been known to utilize the Metropolitan Detention Center. DFA states it should be noted that a small percentage can be classified under different jurisdictions, such as federal and state agencies.

ADMINISTRATIVE IMPLICATIONS

DFA states the proposed legislation will have to be administered by the Metropolitan Detention Center adding to their current workload.

OTHER SUBSTANTIVE ISSUES

DFA reports that recently a lawsuit was filed between the City of Albuquerque and Bernalillo county regarding the legality of terminating a Joint Powers Agreement (JPA) associated with the Metropolitan Detention Center (MDC). DFA states a JPA was established between Bernalillo county and the City of Albuquerque to divide equally the operating costs of the MDC. The JPA also states the detention center is to be operated by the city with the county owning the facility.

DFA reports Dan Mayfield, Deputy Manager of Bernalillo County, stated in April 2005, Mayor Martin Chavez gave notice to the county that the city was terminating the JPA effective June 30, 2006. Mr. Mayfield stated that it was the county's understanding the city would continue to pay 50 percent of operating costs of MDC, but as of January 2006 Bernalillo county has been reimbursed \$8.5 million (35 percent of the 50 percent). The county is in the process of taking steps to transfer the operation and management of the MDC. The county is having to absorb the additional costs of bring the current MDC staff onto the county payroll.

DFA reports Anna Lamberson, Director of Office Management and Budget of the City of Albuquerque, stated that approximately 80 percent of county residents live within the city limits. Ms. Lamberson stated city residents per capita costs will increase by \$9 per year whereas the county residents living in unincorporated areas per capita costs will decrease by \$36 per year. Ms. Lamberson noted statute states the counties are responsible to provide and operate jails.

ALTERNATIVES

In the 2004 legislative session, the Legislature gave counties increased taxing authority of a new 1/16th of countywide general purpose authority, and expanded 1/8th countywide for maintaining and constructing detention facilities.