

HOUSE JOINT MEMORIAL 73

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING CONGRESS TO ENACT FEDERAL LEGISLATION THAT ADDS  
UNPAID LOCAL AND STATE FINES AND FEES TO THOSE DELINQUENT  
OBLIGATIONS THAT CAN BE INTERCEPTED THROUGH THE UNITED STATES  
DEPARTMENT OF THE TREASURY OFFSET PROGRAM.

WHEREAS, the legislature has found that it is necessary to  
consider and impose substantial budget reductions for the  
remainder of fiscal year 2009 as well as for fiscal year 2010;  
and

WHEREAS, when faced with the challenge of trying to assure  
the soundness of the state's budget without negatively  
affecting vital state programs, any alternative source of  
revenue is important; and

WHEREAS, more than nine thousand individuals have  
outstanding fines and fees ordered by a court in New Mexico,

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1 which fines and fees total just under two million five hundred  
2 twenty-one thousand dollars (\$2,521,000); and

3 WHEREAS, allowing the payment of court-ordered fines and  
4 fees to be ignored diminishes public respect for the courts and  
5 the rule of law; and

6 WHEREAS, New Mexico has a tax refund intercept system on  
7 the state level, pursuant to Chapter 7, Article 2C NMSA 1978,  
8 that has collected nearly one hundred fifty thousand dollars  
9 (\$150,000) in unpaid fines and fees for the benefit of the  
10 judiciary in each of the past three fiscal years, after  
11 collecting unpaid amounts in delinquent taxes, child support  
12 and other obligations; and

13 WHEREAS, under existing federal legislation, the internal  
14 revenue service already intercepts tax refunds for federal and  
15 local taxes, child support and other delinquent obligations;  
16 and

17 WHEREAS, both chambers of congress are considering  
18 legislation that would create a tax intercept program in which  
19 unpaid state and local fines and fees would be intercepted from  
20 a taxpayer's refund through the internal revenue service; and

21 WHEREAS, the proposals under consideration in congress  
22 would add a tax refund intercept for unpaid fines and fees only  
23 after satisfaction of state and local obligations already in  
24 the federal law, so that state and local programs would  
25 continue intercepting federal refunds at their current levels;

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1 and

2 WHEREAS, it is conservatively estimated that a federal tax  
3 refund intercept could collect as much as twice the amount that  
4 the state system collects, or at least three hundred thousand  
5 dollars (\$300,000), which would decrease budget reductions and  
6 increase respect for the judiciary;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
8 STATE OF NEW MEXICO that congress be requested to enact federal  
9 legislation that would add unpaid local and state fines and  
10 fees to those delinquent obligations that can be intercepted  
11 through the United States department of the treasury offset  
12 program; and

13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the members of the New Mexico congressional  
15 delegation.

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