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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/06  
 LAST UPDATED 1/27/06      HB 400

SPONSOR Cervantes

SHORT TITLE Dona Ana County Court Consolidation Plan      SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$100.0	Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House bill 400 appropriates \$100,000 from the general fund to the Administrative Office of the Courts for the purpose of funding a “step-by-step” implementation plan for court consolidation and creation of a metropolitan court in Doña Ana County.

### FISCAL IMPLICATIONS

The appropriation of \$100,000 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of shall revert to the general fund.

AOC cites the proposed amount of \$100 thousand included in this bill as the amount estimated for the proposed implementation plan study by the 2005 legislative session-created “consolidation committee” and substantiated by the National Center for State Courts.

The “Consolidation Committee” made preliminary cost estimates the consolidation of the District, magistrate and municipal courts in Doña Ana County. This preliminary estimate was \$11.0

million total; The budget of all magistrate courts in the (including Doña Ana) in the state was \$3.9 million. The consolidation committee did not determine the cost of operations for the municipal courts in Doña Ana County.

## **SIGNIFICANT ISSUES**

A metropolitan court, according to statute, is created in a class A county with more than 200,000 persons in the last federal decennial census. Doña Ana County has an estimated 2004 population of 186,095, a 6.5 percent increase over the U.S. Census Bureau population estimate in 2000. If the same rate of growth continues, Doña Ana will have approximately 198,191 residents in 2008 and 211,073 residents in 2012.

According to the consolidation committee initial estimates, consolidation of the courts would cost several million more funds on a net bases (more than operating costs funded by the city of Las Cruces and others along with the cost of the Doña Ana magistrates), and cost the state several million more/year than current magistrate operation in Doña Ana County.

AOC reports that the “consolidation study committee” met monthly during the interim months since the last legislative session and determined it was feasible to consolidate the Las Cruces Municipal Court and some, if not all, of the outlying municipal courts in the Doña Ana County and the Doña Ana Magistrate Court.

Legislative Session 2005 Senate Bill 831 provided for a consolidation committee charged with the responsibility to “investigate and evaluate the effectiveness and judicial efficiency of community-based judicial systems in other areas and determine the feasibility of creating a consolidated system in the Doña Ana county court system.”

The committee reviewed the following types of information:

1. The population of Doña Ana County
2. The existing court facilities in Doña Ana: four municipal courts (Las Cruces, Sunland Park, Mesilla, and Hatch), Doña Ana magistrate court (Las Cruces) and two circuit courts (Anthony and Hatch)
3. The number of judges in Doña Ana: 4.5 municipal judges and 5 in the magistrate court
4. Source of funds for technology (Municipal courts from the Municipal Court Automation Fee, magistrates from the Judicial Information Division under AOC and Bernalillo County Metropolitan Court, internally)
5. Case filings: in FY05 Las Cruces Municipal Court, 24,229; All Doña Ana Magistrates, 21,596; and Bernalillo Metropolitan Court, 135,495;
6. Estimated annual budget (\$11 million)
7. Survey results regarding the issue from local court users.

The determination by the committee that consolidation was feasible was reached without citation of which information reviewed (all, particular parts, the combination of 2 or 3 factors?) led to the recommendation.

## **ADMINISTRATIVE IMPLICATIONS**

The consolidation committee estimates suggest fewer judges may be needed in a Doña Ana County Metropolitan Court than the combined number in the municipal and magistrate courts.

**OTHER SUBSTANTIVE ISSUES**

The NM Supreme Court has taken no position on this legislation and the Magistrate Judges Association is opposed to the legislation.

Nearly 2/5 of survey respondents characterized the facility they use most often as “poor” or “very poor;” These responses may be referring to the magistrate court facility which was appropriated new funding starting in FY06 to rent a new building (to be built or leased).

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

An appropriation to hire a professional consultant to develop a step-by-step procedure implementation plan will not be made.

**POSSIBLE QUESTIONS**

1. What was the recommendation of the consolidation study committee based upon?
2. Were respondents surveyed aware of the estimated costs the committee has made regarding the proposed consolidation?
3. If this proposal is adopted, should the \$500 thousand appropriated in FY06 for a new Doña Ana magistrate facility be repealed until it is determined whether Doña Ana will need a new magistrate or rather a new metropolitan court?

EM/mt