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FISCAL IMPACT REPORT

ORIGINAL DATE 2/22/15

SPONSOR Maestas-Barnes LAST UPDATED _____ HB 493

SHORT TITLE 2nd District Court Elder & Disability Court SB _____

ANALYST Sánchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	\$245.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$245.0	\$252.4	\$497.4	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act
 Duplicates SB 36

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 493 appropriates \$245 thousand from the general fund to the Second Judicial District Court to establish an elder and disability court. The court is designed to address issues such as legal capacity, guardianship, and abuse of the elderly.

FISCAL IMPLICATIONS

The appropriation of \$245 thousand contained in this bill is a recurring expense to the General Fund. Any unexpended balance remaining at the end of 2016 shall revert to the General Fund. The original amount will increase approximately three percent or more annually. AOC states that the appropriation in HB 493 would fund three FTEs to assist 10 civil judges in monitoring the

approximately 8,000 such cases currently active in Bernalillo County.

The HAFC Substitute for House Bill 2 contains \$175 thousand for the same purpose.

SIGNIFICANT ISSUES

This bill assumes continuing appropriations for the intended purpose in the agency's operating budget.

The court included these positions as expansions in its FY16 budget request, but were not recommended.

According to the AOC, The second judicial district court indicates that though NMSA Chapter 45 the court is mandated to provide oversight and monitoring of such adult guardianship cases, but it has never had the staff necessary to fulfill the mandate. It also indicates the number of such cases is increasing with the aging of the general population.

ADMINISTRATIVE IMPLICATIONS

The AOC anticipates the Second Judicial District Court would start it as a pilot program responsible for monitoring the health, safety and welfare of elderly individuals for whom a guardian or conservator has been appointed by the court.

DUPLICATION

House Bill 493 relates to the General Appropriation Act and duplicates SB 36.

ABS/je/aml