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## FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 02/22/01 HB \_\_\_\_\_  
 SHORT TITLE: Consolidation of Dona Ana County Courts SB 465  
 ANALYST: Hayes

### APPROPRIATION

| Appropriation Contained |         | Estimated Additional Impact |      | Recurring or Non-Rec | Fund Affected |
|-------------------------|---------|-----------------------------|------|----------------------|---------------|
| FY01                    | FY02    | FY01                        | FY02 |                      |               |
|                         | \$ 60.0 |                             |      | Non-recurring        | General Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB130, SB194, HB443

### SOURCES OF INFORMATION

Administrative Office of the Courts  
LFC files

### SUMMARY

#### Synopsis of Bill

SB465 appropriates \$60.0 from the general fund to the Administrative Office of the Courts for the purpose of establishing a consolidation study committee, with the approval of the Supreme Court, in order to consider combining the Doña Ana County magistrate and municipal courts. The bill appropriates the \$60.0 to the AOC to carry out the requirements of the bill and to reimburse committee members for mileage and per diem.

The committee shall report its findings and recommendation to the city council, the board of county commissioners and the Legislature by December 1, 2001.

#### Significant Issues

At its current judge and staffing level, the Doña Ana Magistrate Court is falling behind at a rate of over 10,000 cases per year. The AOC Magistrate Court Division regularly receives complaints from citizens and attorneys in Doña Ana County about that court. Numerous efforts (including traveling judges and clerks from all over the state, grants, volunteers, AOC staff analyses, intervention by the Chief Justice, various reorganizations and action plans) have not remedied those problems. Problems with the operations of the Las Cruces Municipal Court have also surfaced in the press.

## **Senate Bill 465 -- Page 2**

The 17-member consolidation committee proposed by this bill will consider the possibility of combining the magistrate and municipal courts in Dona Ana county. The members are from different governmental agencies, areas and courts, but all with an interest in this proposal. By comprising the committee with such a diverse group, the committee will ensure input from all effected parties.

The Magistrate Court Director supports the committee study, but suggests that the municipal courts may be somewhat under-represented on the committee since four municipal courts currently exist in the county and only one municipal judge from Las Cruces has been identified as a member of the consolidation committee.

The committee itself will elect a chairperson and meet at least once per month until presentation of its findings.

### **FISCAL IMPLICATIONS**

The appropriation of \$60.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2002 shall revert to the general fund.

### **RELATIONSHIP**

SB130, SB194 and HB443 request increases in judges and clerks as a result of Dona Ana's case volume and backlog.

### **TECHNICAL ISSUES**

Suggest changing "chairman" in Section 1B on page 3 to "chairperson."

EFFECTIVE DATE needs to be indicated.

### **OTHER SUBSTANTIVE ISSUES**

A somewhat similar study was conducted in 1995 pursuant to a Senate Joint Memorial in order to determine whether the Dona Ana magistrate courts should become a metropolitan court. At that time, however, the court did not have the population base to qualify as a "metropolitan" court.

CMH/lrs