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## FISCAL IMPACT REPORT



SPONSOR: Garcia DATE TYPED: 01/23/02 HB \_\_\_\_\_

SHORT TITLE: 3<sup>rd</sup> Judicial Court Appropriation SB 12

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$702.6			Recurring**	

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 Third Judicial District Court FY03 requested budget  
 LFC files

### SUMMARY

#### Synopsis of Bill

Senate Bill 12 appropriates \$702.6 from the general fund to the Third Judicial District Court to fund 13 base expansions requested in the court's budget: 1 FTE Grant Accountant, 1 FTE Court clerk IV, 1 FTE Court clerk III, 2 FTE's Systems Analyst (one for court regular and the other for Adult Drug Court), 1 FTE Administrative Assistant (Adult Drug Court), 2 FTE's Court clerk II's, 1 FTE Domestic Violence Commissioner, 1 FTE Bailiff, 1 FTE Family Counselor (Juvenile Drug Court), 1 FTE Probation Officer (Juvenile Drug Court), and 1 FTE Court Monitor.

#### Significant Issues

1. For the entire judiciary branch, the Legislative Finance Committee (LFC) recommended only three base expansions; one of those is a court clerk III for the 3<sup>rd</sup> district. This bill duplicates the request for this position already recommended by the LFC. For the remaining 12 positions, the LFC did not recommend funding.

2. Six of these positions are related to drug court. For FY03, the LFC did not recommend additional funding for drug courts or related expansions above their FY02 levels due to various financial control problems and procurement code issues recently discovered, along with matters concerning the assessment of client fees plus the expenditures and disposition of that fee revenue collected. LFC will be conducting an audit of all drug courts, including the 3<sup>rd</sup> Judicial District Court, in order to assist the Supreme Court in identifying problem areas and to recommend uniform policies and procedural changes.
3. The bill analysis provided by the AOC states that “at its current staffing level, the Third Judicial District is unable to keep up with the caseload. Staff members are consistently having to work overtime to keep up with case docketing.” However, neither the AOC nor the 3<sup>rd</sup> district provided any docket statistics or case workload data to support this claim. Moreover, salary and benefits expenditures show \$0.00 spent on overtime in FY01; in its FY02 and FY03 budget submissions, the 3<sup>rd</sup> district did not even request funding in the overtime line-item.
4. The judiciary’s workload measurement staffing needs chart (attached) indicates that the 3<sup>rd</sup> district’s recommended FTE level should be increased by 14.9. It is unknown how the FTE “need” is counted and on what basis these numbers are derived.

### **FISCAL IMPLICATIONS**

Of the appropriation total (\$702.6), \$630.0 contained in this bill is recurring; \$72.6 is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund.

### **POSSIBLE QUESTIONS**

1. The Judiciary Automation Program, referred to as «JID», is responsible for providing computer and automation services to all of the courts. Why is the 3rd district requesting two systems analysts positions for its own court? Why is the 3rd district requesting one of these specifically for drug court? *Drug court concerns treatment and court appearances with the judge; there is no drug court activity that requires specialized computer services.*

**CMH/njw**  
Attachment