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FISCAL IMPACT REPORT



SPONSOR: Sharer DATE TYPED: 02/08/02 HB _____

SHORT TITLE: 11th and 14th Judicial Districts SB 287

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$90.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)
 LFC files

SUMMARY

Synopsis of Bill

Senate Bill 287 amends Section 34-6-1 NMSA 1978 to read that the 11th Judicial District now contains only the county of McKinley and a new 14th Judicial District is created composed of San Juan County.

In addition, the 11th district would have two judges instead of six if this legislation is enacted, and San Juan County would have four. The net number of judgeships is the same.

SB287 also appropriates \$90.0 from the general fund to the Administrative Office of the Courts (AOC) for the purpose of funding necessary salaries, benefits, office supplies, materials and other costs associated with creating a 14th Judicial District Court in San Juan County.

The effective date of the bill is July 1, 2002.

Significant Issues

1. Splitting the Eleventh District. The 11th Judicial District Court currently has six judges. The bill assigns only two judges to the 11th district and reassigns four to the proposed 14th dis-

trict. SB287 also transfers all budgets, personnel, money, funds, appropriations, accounts, furniture, equipment, office supplies and other things of value, plus all contracts, debts, liabilities, or other obligations attributable to those four judges in the 11th Judicial District to the 14th Judicial District. Implementing this transfer will not only include cooperation of the judges and courts but also with DFA in regards to inventory, property control, accounting functions and records. It is unclear how many items will be identified as "attributable" to the four judges being reassigned.

2. Effects on the District Attorney's Office. This transfer is applicable to the 11th Judicial District Attorney as well; that certain attorneys, staff, records and resources must be reassigned to the new 14th district. However, this "split" puts into statute what already exists for the 11th Judicial District Attorneys' Office, a division I and division II. The cost and the impact on the district attorneys would be minimal.
3. County Support for 14th District. County governments in New Mexico are responsible for the funding, construction, utilities and maintenance of all district courthouses, not the state. Naturally, this proposal begs the question whether the sponsor has discussed the creation of a 14th Judicial District Court in San Juan with county officials. Are county officials and taxpayers of San Juan County in support of this legislation?
4. Caseload. This proposal, creating a 14th Judicial District Court, was not presented in the Judiciary Unified Budget. Typically, actions such as creating new judgeships or staffing increases or computer acquisitions are supported by statistical analysis and documentation. The AOC presents its Workload Measurement Study data or the Weighted Caseload Analysis to support such requests. In the case of creating the 14th district, no such data was presented in the bill or in the analysis transmitted to the LFC. In summary, no explanation is given as to why the creation of the 14th Judicial District Court is needed.
5. Conflict with Constitution. A constitutional problem exists because of the effective date of the bill. The six judges of the current Eleventh Judicial District were elected in 1996 to six-year terms by voters in both McKinley and San Juan counties. As written, the bill would change the judicial district in the middle of the terms of these elected judges. However, the next election for district judges is in 2002. The judges of divisions one, three, four and six of the 11th Judicial District are already required by statute to reside and maintain their principal offices in the county of San Juan. It is suggested that the effective date of the bill be January 1, 2003 in order to allow the election cycle and the judges' term to be completed without interruption.

FISCAL IMPLICATIONS

The appropriation of \$90.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY030 shall revert to the general fund.

The Administrative Office of the Courts states that the \$90.0 appropriation in this bill assisting the transfer and creation of a 14th district is insufficient. The creation of another judicial district will require the establishment of separate office procedures and management of all administrative functions, including budget preparation, fiscal services and human resource management. The bill only appropriates \$90.0 for these costs and unspecified personnel. In order for both courts to operate in-

dependently, additional staff and funding are needed totaling \$486,549 (see attachment). This assumes that the 14th district would need a court administrator and deputy court administrator, its own systems analyst (which few courts have) and two financial staff members.

Obviously, the Legislature needs to weigh the benefits against the cost of implementing this legislation which creates a 14th Judicial District Court.

ADMINISTRATIVE IMPLICATIONS

According to the Administrative Office of the Courts, the creation of the 14th Judicial District Court would make both the 11th and the 14th Judicial District Courts one-county districts. Because neither would have a second county to take recusal or excusal cases, it is anticipated that a larger number of cases would go to the Supreme Court for assignment. Besides the added workload, these cases are often the most controversial and most costly.

TECHNICAL ISSUES

As noted in 5, *Conflict with Constitution* above, changing the effective date of the bill to January 1, 2003 would be less disruptive and allows judges to complete their elected term.

Moreover, language should be included in SB287 to outline the election procedures for the upcoming 2002 election if the district is split as proposed.

OTHER SUBSTANTIVE ISSUES

The Judiciary Systems Study Committee, an interim legislative committee, is reviewing judgeships and caseload statewide vis-à-vis redistricting issues. During the 2002 Session, the committee is also sponsoring Senate Bill 4 which proposes abolishing seven magistrate judgeships and rearranging certain circuit courts. It may be more prudent to allow the committee to complete its comprehensive study of district courts, caseload and judgeship needs before deciding on the single court addressed by this bill.

POSSIBLE QUESTIONS

1. On what basis is a 14th Judicial District Court needed? Geographic size? Caseload? Residency requirements?
2. AOC together with the 11th district are requesting \$923.0 in FY03 for its electronic filing project. Since the district would be smaller under this proposal, how will it affect the project? the funding request? the cooperation with the other courts, private attorneys and district attorneys?

CMH/njw