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FISCAL IMPACT REPORT

SPONSOR: Lujan DATE TYPED: 01/31/03 HB 297

SHORT TITLE: Additional Santa Fe Magistrate Judge SB _____

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$278.3			Recurring*	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB143

SOURCES OF INFORMATION

LFC files

No Responses Received From
 Administrative Office of the Courts (AOC0)
 Public Defender Department (PDD)
 District Attorney's Office

SUMMARY

Synopsis of Bill

House Bill 297 amends Section 34-1-29 NMSA 1978 to increase the number of magistrate judges in the Santa Fe magistrate court district from three to four. The bill also appropriates \$99.4 to the Administrative Office of the Courts for salaries and benefits, furniture, supplies and equipment for the additional magistrate judge. Other appropriations outlined in HB297 totaling \$178.9 provide for additional resources for the district attorneys and public defenders in the Santa Fe magistrate court district.

The magistrate would be filled by appointment by the governor to begin serving on July 1, 2003. The appointed magistrate will serve until succeeded by the magistrate elected at the general election in 2004 to fill the unexpired term ending December 31, 2006.

The first full term of office will be filled by election at the general election held in 2006 and that term of office will begin on January 1, 2007.

The effective date of the provisions of HB230 is July 1, 2003.

Significant Issues

1. In 1998, the AOC completed an updated and expanded study to provide the Legislature with a methodology for determining the needs for additional judgeships, the Weighted Caseload Study. The study assigns a weight for each type of case. The weight, expressed in minutes, represents the average amount of judge's time necessary to process a case of that type. Each weight is then multiplied by the number of new cases filed per category. Although some judges question this methodology, it is the accepted formula of the Chief Judges Council in determining judgeship needs.
2. The Chief Judges Council reviewed the Weighted Caseload Study and voted to support the one additional magistrate judge requested for the Santa Fe magistrate court district as highlighted in the *Judiciary Unified Budget*.
3. The district attorney's and public defender's offices were notified of the new magistrate requested so that they had an opportunity to assess and report their respective impacts. However, neither office responded to LFC's request for analysis as of this writing.

FISCAL IMPLICATIONS

The appropriation of \$278.3 contained in this bill is a recurring* expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

*Part of the appropriations to the Santa Fe magistrate court, district attorney and public defender is specifically for furniture and equipment. These are considered capital items (defined by DFA as purchases over \$1,500) and are a one-time expense. Therefore, a portion of this appropriation must be designated as non-recurring.

Here is a table delineating the appropriation amount to each agency noted in the bill:

SANTA FE MAGISTRATE DISTRICT APPROPRIATIONS

AGENCY:	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	TOTAL
AMOUNT:	\$99,380	\$75,925	\$103,000	\$278,305

RELATIONSHIP

Senate Bill 143, the "judgeship bill," provides for one additional magistrate judge at the Santa Fe magistrate court. The appropriation amount for the judge, supplies, furniture and equipment is

\$99,380, the same amount as HB297. There are also appropriations in SB143 in each of the respective offices for the district attorneys and public defenders affected by the proposed magistrate.

OTHER SUBSTANTIVE ISSUES

Besides clarification of recurring vs. non-recurring amounts, references to “additional staff” or “support staff” in the bill should be clarified by indicating the number of FTE specifically being funded.

POSSIBLE QUESTIONS

1. Why is a separate bill being presented for a new magistrate in the Santa Fe magistrate district? Typically, all new judges are requested together in the « judgeship bill » pursuant to the *Judiciary Unified Budget*.
2. What is the current caseload per magistrate at the Santa Fe magistrate court? Is caseload increasing, decreasing or flat in this district? In what areas of law do you see the greatest growth in caseload?

CMH/njw