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FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 01/29/03 HB _____

SHORT TITLE: Increase 3rd Judicial District SB 39

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$1,182.5			Recurring*	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications note below.

Relates to SB60 and SB143

SOURCES OF INFORMATION

Responses Received From

Administrative Office of the Courts (AOC)
LFC files

SUMMARY

Synopsis of Bill

Senate Bill 39 amends Section 34-6-6 NMSA 1978 to increase the number of judgeships in the Third Judicial District Court from six to seven. The bill appropriates \$998.3 to the 3rd district for salaries and benefits, furniture, supplies and equipment for the additional judgeship, plus includes support staff for the judge and fifteen other court positions. Other appropriations outlined in SB39 totaling \$184.2 provide for additional resources for the district attorneys and public defenders in the 3rd district.

The additional judgeship is filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico.

The effective date of the provisions of SB39 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 judgeship requested for the Third Judicial District Court as highlighted in the *Judiciary Unified Budget*.
3. The courts notified the district attorney's and public defender's offices of the judgeship request so that they had an opportunity to assess and report their respective impacts. However, neither office responded to LFC's request for analysis.
4. In regards to the 15 other court positions proposed in SB39, the court requested the same positions in its FY04 budget request, but LFC did not recommend funding for them.

FISCAL IMPLICATIONS

The appropriation of \$1,182,485 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 3rd district court, district attorney and public defender is specifically for furniture and equipment. These will be 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:

THIRD DISTRICT APPROPRIATIONS

AGENCY:	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	TOTAL
AMOUNT:	\$998,290	\$78,665	\$105,530	\$1,182,485

RELATIONSHIP

SB60 increases the number of judgeships in the Dona Ana magistrate court from five to six, and provides for an appropriation to fund this judgeship, including supplies, equipment and furniture. There is also an additional appropriation in each of the respective offices for the district attorneys and public defenders affected by the new magistrate judgeship proposed in SB60.

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SB143 provides for one additional judgeship at the Third Judicial District Court in Las Cruces. The appropriation amount for the judge, staff, supplies, furniture and equipment is \$293,290. There is also an additional appropriation in each of the respective offices for the district attorneys and public defenders affected by the new district court judgeship proposed in SB143.

OTHER SUBSTANTIVE ISSUES

Besides clarification of recurring vs. non-recurring amounts, references to “additional 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 the judgeship in the Third Judicial District Court? (Typically, all new judgeships are requested together pursuant to the *Judiciary Unified Budget*.)
2. Will the current court facility be able to house the number of proposed new personnel?
3. What is the current caseload per judge at the district court? In what areas of law is the caseload increasing/decreasing?
4. What are their functions and responsibilities of the additional 15 positions needed ?

CMH/yr