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FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 02/25/03 HB _____

SHORT TITLE: Increase Santa Fe Magistrate Court SB 783

ANALYST: Hayes

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 297 and SB 143

SOURCES OF INFORMATION

LFC files

SUMMARY

Synopsis of Bill

Senate Bill 783 amends Section 35-1-29 NMSA 1978 to increase the number of magistrate judges in the Santa Fe magistrate court district from three to four. The bill appropriates \$193,540 to the Administrative Office of the Courts for salaries and benefits, furniture, supplies and equipment for the additional magistrate judge plus two judicial specialists (clerks). The other appropriation outlined in SB 783 totaling \$75,925 provides for additional resources for the district attorney's office in the Santa Fe magistrate district.

The office of the magistrate division 4 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 SB 783 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* and only 1.0 court clerk FTE.
3. The district attorney's office was notified of the new magistrate requested so that they had an opportunity to assess and report their respective impacts.

FISCAL IMPLICATIONS

The appropriation of \$269.5 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 and district attorney 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:	\$193,540	\$75,925	\$0	\$269,465

RELATIONSHIP

Senate Bill 143, the "judgeship bill," provides for one additional magistrate judge at the Santa Fe magistrate court and appropriates \$99,380 for the judge, supplies, furniture and equipment. No support staff is included.

House Bill 297 is similar to SB 783, requesting for an additional judgeship in Santa Fe's magistrate court district, except for two differences: (1) there are no support staff positions requested; therefore, the appropriation amount is less; and (2) HB 297 requests funding for the public defender's office along with the court and district attorney whereas SB 783 does not.

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 judge 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?
3. Why is no funding provided to the Public Defender's Office in this bill? Doesn't their office caseload parallel that of the court's?

CMH/njw