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FISCAL IMPACT REPORT

SPONSOR: Fidel DATE TYPED: 03/08/03 HB _____

SHORT TITLE: Redistricting Certain Judicial Districts SB 864

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

\$0.1 = Additional impact unknown

Relates to HB 127, SB 78 and SB 143

SOURCES OF INFORMATION

Responses Received From
Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 864 focuses on redistricting the First, Eleventh and Thirteenth Judicial District Courts and providing for two district attorney divisions in the Thirteenth Judicial District. Highlights of those changes are outlined below:

Section 1. Amends Section 34-6-1 to remove Sandoval county from the 13th Judicial District and add it to the 1st Judicial District. It also removes McKinley county from the 11th Judicial District and add it to the 13th Judicial District.

Section 2. Amends Section 34-6-4 to increase the number of judges in the 1st Judicial District from seven to nine district judges.

Section 3. Amends Section 34-6-14 to decrease the number of judges from the 11th Judicial District from six to four judges, and to eliminate the division and the locations of where the judges must reside.

Section 4. Amends Section 34-6-16 to change where the judges in division 2 and 5 of the 13th

Judicial District reside from Sandoval county to McKinley county.

Section 5. New material in the bill creates two district attorney divisions in the 13th Judicial District, one in Cibola and Valencia counties and one in McKinley county.

Section 6A. Temporary Provision transferring “all personnel, appropriations, money, records, property, equipment and supplies of division two and five of the thirteenth judicial district, as that district was composed on June 30, 2003, shall be transferred to the division of the first judicial district that will be officed in Sandoval county. All contracts, agreements and docketed cases relating to the activities of the personnel and records shall also be transferred.”

Section 6B. Temporary Provision transferring “all personnel, appropriations, money, records, property, equipment and supplies of division two and five of the eleventh judicial district, as that district was composed on June 30, 2003, shall be transferred to divisions two and five of the thirteenth judicial district. All contracts, agreements and docketed cases relating to the activities of the personnel and records shall also be transferred.”

The remainder of Section 6 authorizes the director of the Administrative Office of the Courts to identify all personnel and property to be transferred. The director of the Administrative Office of the District Attorney may transfer any personnel, appropriations or other property necessary to further the purposes of this act. The Chief Public Defender may transfer any personnel, appropriation or other property necessary to further the purposes of this act.

Section 7. The Temporary Provision states until the expiration of the term for which they were elected:

- a. The district judges of divisions 2 and 5 of the 13th Judicial District shall be the district judges of the 1st Judicial District that will be housed in Sandoval county;
- b. The district judges of divisions 2 and 5 of the 11th Judicial District shall be the district judges of the divisions 2 and 5 of the 13th Judicial District;
- c. All other district judges shall remain as judges in the district in which they were elected. The bill also addresses changes to the district attorneys.

Section 8. This section repeals Section 36-1-8.2 through 36-1-8.4. These sections address the current 11th Judicial District Attorney divisions.

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

Significant Issues

1. **Judgeship Needs.** According to the *Judiciary Unified Budget*, the 11th Judicial District Court needs an additional 2.38 judges/hearing officers and the 13th Judicial District Court needs an additional 2.47 judges/hearing officers.
2. **Effects on the District Attorneys.** Any judicial redistricting will also impact the districts of the district attorneys. The Constitution of New Mexico requires a district attorney for each judicial district. Most district judges' retention elections are in 2002. District attorneys' elections are in 2004. The year 2008 is the first year both the courts and the district attorneys are elected simultaneously.

3. ***Prior Judicial Redistricting.*** The last judicial redistricting took place in July, 1971. At that time, the 12th and the 13th districts were created. Under the statute, one sitting district judge was “redesignated” to serve the remainder of his term, from July 1 of that year until the end of December, as district judge from the newly-created 12th Judicial District Court. In addition, the Legislature created a new judgeship in the 3rd and 13th districts and a new district attorney for the 12th and the 13th districts.
4. ***Effects on Voters.*** If the Legislature realigns the judicial districts anytime prior to the 2007 legislative session, district attorneys and district court judges would be redesignated in the middle of their terms. If this realignment bill were enacted this year, district attorneys and district court judges in the affected districts would be handling cases in counties whose citizens had no role in electing them. Even in the 11th district-- the only district that has more than one district attorney-- the district attorneys must be elected by all the electors of the 11th district, not just the electors of his or her respective county.
5. ***Other Redistricting Effects.*** Besides the judges and the district attorneys, any change in a district will impact the public defenders office, the State Bar, other executive agencies and the public. When the Legislature has redistricted in the past, it has hired an expert consultant, forms committees and holds meetings throughout the state to get public input. The Legislature may want to consider a similar process if it wishes to pursue redistricting of the judiciary.
6. ***County Support.*** County governments in New Mexico are responsible for the funding, construction, utilities and maintenance of all district courthouses, not the State of New Mexico. Naturally, this legislation raises the question whether counties or county finances have been taken into consideration. Are county officials in support of this legislation?

FISCAL IMPLICATIONS

Although there are no appropriations associated with this bill, the changes outlined in this bill will have a fiscal impact to certain districts. At this time, an estimate can not be provided.

RELATIONSHIP

HB 127 and SB 78 divide the current 11th Judicial District so that the 11th district is composed solely of McKinley county. A new 14th Judicial District will be created of which San Juan county will become part. (There are currently only 13 districts.)

POSSIBLE QUESTIONS

1. Will judges who are changing districts need to run in another partisan election if they have already won a partisan election? Or will they run for retention in the new district?
2. On what basis are the redistricting proposals needed? Geographic size? Caseload? Population growth?