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FISCAL IMPACT REPORT

SPONSOR SFC DATE TYPED 03/10/05 HB _____

SHORT TITLE Eliminate Lea Magistrate Judge SB 980/SFCS

ANALYST McSherry

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|--------|-----------------------------|--------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| NFI | ***NFI | NFI | ***NFI | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

*this bill would take effect in January 2007, FY07 and should result in General Fund savings of at least \$84.9 thousand.

Relates to HB 901, Additional Judgeships, SB 26, Additional Guadalupe District Magistrate; SB 25, Additional 4th District Judge; and would duplicate: SB 379, Additional 9th District Judge; and HB 473, Additional Santa Fe Magistrate Judge.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Senate Finance Committee Substitute

Senate Finance Committee Substitute for Bill 980 provides for the elimination of one of the five magistrate judges in Lea County effective January 1, 2007.

Division 4 is proposed to be in Lovington and would be required to ride circuit to Tatum on a regular basis. Division 1 and 2 would operate as a single court in Hobbs (rather than divisions 2 and 5). Division 3 would remain in Eunice and would remain charged with the with the responsibility of riding to Jal regularly, and Hobbs as needed. . The Magistrate in Tatum would be removed.

Specific language provides that magistrate judges would not be elected at-large, but rather would be elected by the voters from each magistrate's division. Magistrates would be required to reside in their division, but would have district-wide jurisdiction. The bill provides for a redistribution of the voting precincts to be divided among four, rather than five, districts.

The bill also provides that the magistrate court clerk positions would not be decreased as a result of the eliminated judgeship. It is proposed that the Administrative Office of the Courts reassign positions from the abolished court to other magistrate courts and assign other resources including furniture, equipment and supplies to other magistrate courts as needed.

Significant Issues

The Supreme Court recommends eliminating this judge position at the end of the current magistrate's term.

PERFORMANCE IMPLICATIONS

There were 69 new cases filed in the Tatum Magistrate Court in FY 04.

According to AOC, the Lovington magistrate should be able to handle these 69 cases by riding circuit to Tatum.

FISCAL IMPLICATIONS

Senate Bill 980 would result in savings during the FY07 fiscal year of \$84.9 thousand.

According to AOC, minimal costs would be incurred to reimburse the Lovington magistrate for traveling to Tatum.

Savings would not be realized from reduced court building rent because the courthouse would remain open for cases to be heard by the traveling Lovington magistrate.

ADMINISTRATIVE IMPLICATIONS

There would be a minimal additional administrative burden on the Lovington Magistrate Court.

OTHER SUBSTANTIVE ISSUES

The county shows a documented need, as per the Weighted Caseload Study in 1998, of 2.16 judgeships.

Additional savings could be realized should the Tatum circuit be eliminated along with the magistrate.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Lea county would maintain 5 judges, despite a documented need of approximately 2 judges.

EM/lg:yr