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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12

SPONSOR Chasey LAST UPDATED _____ HB 238

SHORT TITLE Probate Judges as Bar Members SB _____

ANALYST Jorgensen

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY12	FY13	FY14		
	Unknown	Unknown	Recurring	County

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 238 would require that in counties with a population over 250,000 the county probate judge must be an attorney. The bill also seeks to raise the probate court filing fee from \$30 to \$50.

FISCAL IMPLICATIONS

Probate courts are county offices, and are included in the counties' budgets therefore, the increase in the probate docket fee would go directly to the county.

SIGNIFICANT ISSUES

If House Bill 238 became law, only Bernalillo County would be affected as it is the only county with a population over 250,000. Doña Ana County, in the most recent census, had not reached the threshold 250,000 population.

As currently structured, probate courts in New Mexico are courts that only process uncontested wills and estates through "informal" proceedings. NMSA 1978, Section 45-3-303, sets out the probate courts' duties. Most of these duties consist of assuring that procedure has been followed

and there is no opposition to the will. It is a convenience to the public that this office exists; if there is no contest with the will then it can get through to probate with minimal time and expense. While, in any given circumstance, such questions may be complex, the great bulk of the Uniform Probate Code is administered in the district courts. Nonetheless, larger counties will have, presumably, a higher number of wills to probate through the probate court. The higher number of wills would likely bring a higher number of complex issues to be resolved by an attorney.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

NCJ/lj:amm