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FISCAL IMPACT REPORT

SPONSOR: SFC DATE TYPED: 03/16/01 HB _____
 SHORT TITLE: Additional Magistrates and Clerks in the SB CS/130 & 194/aHAFC
Dona Ana Magistrate District
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 177.0		Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in HB215

SOURCES OF INFORMATION

LFC files
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HAFC Amendment

The HAFC amendment to the committee substitute of SB130 appropriates additional monies to the Public Defender Department from the general fund totaling \$87.0 to provide salaries and benefits for a public defender attorney and support staff, along with furniture, equipment and supplies for FY02. In addition, this funding is to be used for contract and conflict counsel due to increased workload in the Dona Ana magistrate district.

Synopsis of SFC Substitute for Senate Bills 130 and 194

The Senate Finance Committee substitute for SB130 and SB194 creates a division 5 in the Dona Ana magistrate district and adds one new judgeship, not two as proposed in the duplicate senate bills. The magistrate shall be appointed by the governor whose term will be effective on July 1, 2001. No funding is proposed for 10 court clerk positions as originally requested in SB130 and SB194. The total amount of the appropriation for Dona Ana's magistrates is \$90.0.

In addition, the committee substitute amends Section 35-1-16 NMSA 1978 regarding judgeships and divisions in Lea county magistrate district. First, the precinct composition has been changed for each of the five magistrate divisions. Second, a residency requirement is now conditional for judgeships in Lea county; a candidate for magistrate court judge must reside in the electoral division and maintain

residency in the electoral division from which he/she seeks to be elected. Lastly, the committee substitute will eliminate magistrate division 4 as of December 31, 2002 by not holding primary or general elections for that division in 2002. Presumably, this is based on the lack of caseload in that district, as presented in SB581. Ultimately, there will be four magistrate districts in Lea county, not five.

FISCAL IMPLICATIONS

The appropriation of \$90.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

RELATIONSHIP

HB215 contains a general fund appropriation for costs associated with two additional judges totaling \$188,700. That amount covers salaries and benefits for the two magistrates, furniture, supplies and equipment.

CH/prr:ar/njw