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FISCAL IMPACT REPORT

SPONSOR: Lyons DATE TYPED: 03/04/01 HB _____
 SHORT TITLE: Quay County Magistrate Courts SB 170/aSJC
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 138.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB215

SOURCES OF INFORMATION

LFC Files
 HB215
 Administrative Office of the Courts (AOC)
New Mexico Judicial Branch Unified Budget, FY2002

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment specifies that there shall be two magistrates in Quay magistrate whose principal court is in Tucumcari. Both magistrates shall ride circuit to San Jon on a regularly scheduled basis.

Synopsis of Bill

Senate Bill 170 appropriates \$138.0 from the general fund to the Administrative Office of the Courts for the purpose of funding salaries and benefits for a new magistrate judgeship in Quay County along with "staff."

SB170 also creates a Division 2 in San Jon and changes the San Jon circuit court to a full-time magistrate court.

New magistrate judges shall be appointed by the governor and serve until their successors have been elected and qualified. The judgeship in this bill would be effective on July 1, 2001.

Significant Issues

Senate Bill 170/aSJC -- Page 2

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 heard in a court. The weight represents the average amount of judge's time necessary, in minutes, to process a case of that type. Each weight is multiplied by the number of new cases filed per category in order to assess need.

1. Judges. The New Mexico Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide. The Weighted Caseload Study showed a need in the Quay magistrate court for only a .57 additional judges (see attached Judiciary Unit Resources Matrix). As a result, the Council did not consider a Quay magistrate court judgeship because it was not necessarily needed and because it was not requested.

In addition, latest data from the San Jon circuit court (from 1997 statistics) indicated a caseload of approximately 600 cases per year. This is significantly less than the average of 2,500 case per magistrate judge per year.

2. Clerks. The Chief Judges Council also reviewed all district, metropolitan and magistrate staffing requests for FY02. The Workload Measurement Study indicated a need for an additional 3.1 court clerks in Quay County (see attached Judiciary Unit Resources Matrix). The Council voted to support a budget request for three clerks for the Quay magistrate court. Neither the LFC or the Executive recommended funding in FY02 for these court clerk positions.

As a percentage of required staffing, Quay County magistrate court is tied as the most understaffed magistrate court in the state, according to the AOC, operating with only 56 percent of the staff required under the Workload Measurement Study.

FISCAL IMPLICATIONS

The appropriation of \$138.0 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.

The \$138.0 appropriation specifically states that funding is for salaries and benefits. Operating costs were not addressed. However, in its bill analysis to the LFC, the AOC states that \$95.0 is recurring funding, implying that \$43.0 is non-recurring – presumably for capital outlay.

RELATIONSHIP

HB215 also known as the Unified Budget Judgeship bill, is referenced to note that no judgeship or support staff were requested for Quay County.

TECHNICAL ISSUES

Besides a judgeship, HB170 appropriates funds for “staff.” The bill may wish to clarify what type of “staff” positions are being requested and how many.

POSSIBLE QUESTIONS

Senate Bill 170/aSJC -- Page 3

1. Since the AOC's Weighted Caseload Study concludes that an additional judgeship is not needed in Quay County and the court did not ask the Chief Judges Council for one, what is the rationale for now requesting to fund a new judgeship?
2. Has the caseload now increased in Quay County or has the court now provided updated statistics to the AOC to now substantiate its need for an additional division and judgeship?

CMH/njw:ar
Attachments