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FISCAL IMPACT REPORT

SPONSOR: Garcia, M.J. DATE TYPED: 02/22/01 HB _____
 SHORT TITLE: Additional Third Judicial District Judgeship SB 610
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 271.4			Recurring*	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB215 and SJR6.

SOURCES OF INFORMATION

LFC budget files
 Public Defender Department

SUMMARY

Synopsis of Bill

This bill amends Section 34-6-6 to state that there shall be seven district judges in the Seventh Judicial District Court, not six.

SB610 also appropriates \$271.4 from the general fund to the Third Judicial District Court for the purpose of funding one new judgeship, support staff, supplies, equipment and furniture.

The district court judgeship is filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico, and the judge's term will begin on July 1, 2001.

Significant Issues

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, expressed in minutes, represents the average amount of judge's time necessary to process a case of that type. Each weight is then multiplied by the number of new cases filed per category.

The Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide. The Weighted Caseload Study showed a need in the Third Judicial District Court for 1 additional judge. The Council voted to support the one judgeship for the Third District in its *Judiciary Unified Budget*.

FISCAL IMPLICATIONS

The appropriation of \$271.4 contained in this bill is a recurring expense* to the general fund. Any unexpended or unencumbered balance remaining at the end of 2002 shall revert to the general fund.

RELATIONSHIP

HB215, referred to as the judgeship bill, has this additional judgeship for the 3rd Judicial District included in it and at the same funding level. All judgeships supported by the Judiciary Unified Budget are uniformly presented in HB215. It is suggested to yield to the statewide judgeship bill for such judgeship expansions requests.

SJR6 proposes to amend the Constitution so that justices and judges are required to be elected, not appointed by the governor.

TECHNICAL ISSUES

*Part of the \$271.4 appropriation is for capital outlay, such as furniture and equipment. This amount needs to be identified as non-recurring.

Classification and number of "support staff" (FTE) are not delineated in the bill.

POSSIBLE QUESTIONS

1. Why is a separate bill be presented for the judgeship in the Third Judicial District Court?
2. With a new judgeship, will there be enough office space and courtroom space at the courthouse for a seventh judge and his/her staff?

CMH/jsp