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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/06

SPONSOR Rawson LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Additional 3<sup>rd</sup> District Judgeship SB 329

ANALYST McSherry

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$283.2	Recurring	General Fund
	\$31.4	Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Senate Bill 329 relates to House Bill 35, “Additional Judgeships in the 5<sup>th</sup> District;” House Bill 61 “Additional Judge in the 13<sup>th</sup> District;” House Bill 337 “Create Additional Judgeships,” and Senate Bill 102, “Additional Judges in the 5<sup>th</sup> Judicial District.”

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 329, “Additional 3<sup>rd</sup> District Judgeship” appropriates \$811,043 from the general fund to 3<sup>rd</sup> Judicial District Court for the purpose of funding a new judgeship by increasing the number of judges from seven to eight.

### FISCAL IMPLICATIONS

The appropriation of \$313,566 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

Of the \$313.6 thousand the courts have identified \$283.2 which should be considered recurring. The remaining funds are for the judge’s chamber and staff furniture and other one time expenses.

## **SIGNIFICANT ISSUES**

The judge caseload study used to determine judgeship need of the New Mexico judicial districts was completed in 1997. The relative caseloads have been updated since 1997; the case-weights have not.

According to AOC, the study was expanded and updated in 1998 to provide the legislature with a methodology for determining the needs for additional judgeships, the “weighted caseload study” which assigns a weight, expressed in minutes, for each type of case heard in court. The weight represents the average amount of a judge’s time necessary to process a case of that type.

The third district is ranked fifth after the 5<sup>th</sup>, 9<sup>th</sup>, second 5<sup>th</sup>, and 13<sup>th</sup> judicial districts as ranked using the 1997 caseload study with updated caseloads. The district is included in the judiciary’s requested judgeships in the unified budget.

A new judgeship includes the funding for three staff, including a trial court administrative assistant, a bailiff and funds for furniture equipment and supplies.

## **PERFORMANCE IMPLICATIONS**

Additional judgeships would reduce the caseload for each judge and could result in more time dedicated to each case, resulting in an increased performance results for “cases disposed as a percent of cases filed,” “clearance rate” and “percent change in case filings by case type”

## **ADMINISTRATIVE IMPLICATIONS**

Additional judges, and their associated 3 staff would increase the administrative workload in the 3<sup>rd</sup> judicial district.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 329 relates to: House Bill 35, “Additional Judgeships in the 5<sup>th</sup> District;” House Bill 61 “Additional Judge in the 13<sup>th</sup> District;” House Bill 337 “Create Additional Judgeships,” and Senate Bill 102, “Additional Judges in the 5<sup>th</sup> Judicial District.”

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The 3<sup>rd</sup> Judicial District would maintain authority for seven judges rather than eight.

EM/nt:yr