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FISCAL IMPACT REPORT

SPONSOR	<u>HAFC</u>	ORIGINAL DATE	<u>1/25/07</u>	
		LAST UPDATED	<u>4/11/07</u>	HB <u>291/HAFCS</u>
SHORT TITLE	<u>Create Additional Judgeships</u>	SB	<u>C. Sanchez</u>	
		ANALYST	<u>E. Ortiz</u>	

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$2,168.1	Recurring	General Fund
	\$198.7	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of The Courts on behalf of District Courts and Magistrate Courts

Public Defenders

Administrative Office of the District Attorneys

SUMMARY

Synopsis of HAFC substitute

The House Appropriations and Finance Committee Substitute for House Bill 291 appropriates \$2.36 million from the general fund to the agencies specified in the bill. Courts, Corrections and Justice Committee sponsored bill creates and provides for an appropriation for four district court judgeships in the Second, Fourth and Sixth (Luna County) Judicial Districts and one San Juan County Magistrate Court judgeship (in Aztec). For election purposes, the composition of the divisions for the San Juan County Magistrate judgeship has been amended to incorporate the additional judgeship, division 6.

The bill provides for the district judges to be appointed by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico. The magistrate court judgeship in San Juan County shall be filled by appointment by the governor and will begin serving on July 1, 2007. The appointed magistrate judge shall serve until succeeded by a magistrate elected at the general election in 2008. The first full term of office of the elected magistrate shall begin on January 1, 2009.

The bill also makes appropriations to the following agencies for salaries and benefits, furniture, supplies and equipment.

- The 2nd district attorney \$282 thousand ;
- The Public Defender Department \$175 thousand for use in the 2nd judicial district;
- The 4th district attorney \$141 thousand;
- The 6th district attorney \$141 thousand;
- The 11th district attorney in San Juan \$100 thousand; and
- The Public Defender Department \$108 thousand for use in the 11th judicial district San Juan.
- Also, included for the Public Defender Department is \$50 thousand for contractual services in the fourth judicial district; \$75 for contractual services in the 6th judicial district.

The effective date of the Act is July 1, 2007.

FISCAL IMPLICATIONS

The appropriations are laid out in the following table:

JUDGESHIP APPROPRIATIONS

Judgeships	Appropriation to the Court or the AOC
2 nd Judicial (2 judges and support staff)	\$662.478
4 th Judicial (1 judge and support staff)	\$181.700*
6 th Judicial (1 judge and support staff)	\$331.239
San Juan County (Aztec) Magistrate Judge (1 judge)	\$112.654
Total	\$1,288,071
2 nd District Attorney (salaries and benefits, furniture, supplies and equipment)	\$282,000
Public Defender (salaries and benefits, furniture, supplies and equipment 2 nd judicial district)	\$175,000
4th District Attorney (salaries and benefits, furniture, supplies and equipment)	\$141,000
6th District Attorney (salaries and benefits, furniture, supplies and equipment)	\$141,000
11th District Attorney San Juan (salaries and benefits, furniture, supplies and equipment)	\$100,000
Public Defender (salaries and benefits, furniture, supplies and equipment 11th judicial district San Juan)	\$108,000
Public Defender Department (contractual services in the 4 th judicial district)	\$50,000
Public Defender Department (contractual services in the 6 th judicial district)	\$75,000

Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

As listed in the appropriations table above. There is funding for the new judges and support staff, for District Attorneys, and Public Defenders to start on July 1, 2007. There will be recurring costs of \$2.22 million.

*The actual costs for the fourth judicial district court judgeship are consistent with the amount established by the Judiciary for a new judgeship package (\$331,239). However, the fourth district will reduce the overall fiscal impact (\$181,700) by eliminating a number of existing positions (one full-time hearing officer position and domestic violence commissioner contract) as their related personnel costs in order to acquire the new judgeship. The fourth judicial district court will utilize approximately \$149,500 of its existing recurring budget for the new judgeship (\$331,239).

SIGNIFICANT ISSUES

In November 1998, the AOC completed and updated an 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, expressed in minutes, for each type of case heard in a court. The weight represents the average amount of judge's time necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

The Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study applied to FY 06 data as well as additional narrative and testimonial information. The Council voted to support the judgeship requests in this bill, and this request is contained in the judiciary's unified budget.

The results of the Weighted Caseload Study for each judgeship request in this bill are attached to this analysis. The San Juan Magistrate Court Districts have been changed to comply with the Voting Rights Act.

PERFORMANCE IMPLICATIONS

The courts are participating in performance based budgeting. This bill may have an impact on the measures of the district in the following areas:

- cases disposed as a percent of cases filed (district and magistrate)
- percent change in case filings by case type (district)

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Currently, the courts listed in this bill to which judges are proposed to be added are experiencing delays in hearing and disposition of the cases. If this bill is not passed, delays will continue.