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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/13

SPONSOR Candelaria LAST UPDATED _____ HB _____

SHORT TITLE Probate Judges as Members of NM Bar SB 237

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Recurring	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 237 (SB 237) would require that in Class A counties with a population over 500,000 the county probate judge must be an attorney.

SIGNIFICANT ISSUES

If SB 237 became law, only Bernalillo County would be affected as this is the only county with a population over 500,000. There is currently one part-time probate judge in Bernalillo County, and that judge is an attorney.

As currently structured, probate courts in New Mexico are courts that only process uncontested wills and estates through “informal” proceedings. NMSA 1978, Section 45-3-303, sets out the probate courts’ duties. Most of these duties consist of assuring that procedure has been followed and there is no opposition to the will. It is a convenience to the public that this office exists; if there is no contest with the will then it can get through to probate with minimal time and expense. While, in any given circumstance, such questions may be complex, the great bulk of the Uniform Probate Code is administered in the district courts. Nonetheless, larger counties will have, presumably, a higher number of wills to probate through the probate court.

NCJ/bm