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FISCAL IMPACT REPORT

SPONSOR Martinez ORIGINAL DATE 1/19/19
 LAST UPDATED 1/30/19 HB _____

SHORT TITLE Judge Pro Tempore Fund SB 197/aHJC/ec

ANALYST Torres

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
\$0.0 to (\$30.3)	\$0.0 to (\$30.3)	\$0.0 to (\$30.3)	Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
See Fiscal Impacts			Recurring	General Fund

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Responses Not Received From

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to Senate Bill 197 adds language to make the judge pro tempore fund non-reverting.

Synopsis of Original Bill

Senate Bill 197 creates a “judge pro tempore fund” in the state treasury to be managed by the

Administrative Office of the Courts (AOC) through vouchers to compensate appointed judges pro tempore who serve temporarily in district courts. The fund will include revenue from appropriations, gifts, grants, donations, and bequests. This bill has no appropriation and has an emergency clause.

FISCAL IMPLICATIONS

The non-reverting fund created by SB 197 is likely to reduce general fund reversions by up to \$30.3 thousand, annually. Similarly, the reduced reversions will result in a growth in the judge pro tempore fund balance, which will reduce the need for future general fund appropriations for that purpose.

The creation of the nonreverting fund will reduce or eliminate the need for the courts to seek supplemental or emergency funding to address needs for temporary judges due to unforeseen circumstances.

SIGNIFICANT ISSUES

The bill is a duplicate of Senate Bill 49, 2017 session, in which efficiencies were identified by the AOC in a nonreverting fund. The Administrative Office of the Courts were appropriated \$30.9 thousand in FY16 for judges pro tem and reverted \$2.3 thousand. In FY15 \$6.5 thousand was reverted, and in FY14 \$30.2 thousand was reverted. Had the funds been nonreverting, AOC would have built a fund balance available for use in the current and upcoming fiscal years. AOC requested \$30.3 thousand for judges pro tem in FY20.

Judge pro tem expenditures fluctuate because the need for temporary appointments is inconsistent. Consequently, expenditures on pro tem judges vary from year to year. In years of greater need, the AOC must seek supplemental funding. A nonreverting fund would allow savings from one year to compensate for higher expenditures in other years resulting in fewer requests for special or supplemental appropriations. The creation of a regularly reverting fund will still produce efficiencies, especially during the audit process, but will not produce a savings.

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