F I S C A L   I M P A C T   R E P O R T

SPONSOR: Wright DATE TYPED: 02/18/01 HB 443

SHORT TITLE: Additional Dona Ana County Magistrates and Clerks SB

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	$ 534.0			Recurring	General Fund
	$ 96.0			Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to SB130, SB194, HB215, SJR6

REVENUE

Estimated Revenue		Subsequent Years Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02				
	$ 160.0	$ 160.0		Recurring	General Fund
	$ 240.0	$ 240.0		Recurring	Various*

(Parenthesis ( ) Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC files
Administrative Office of the Courts (AOC)

SUMMARY

  Synopsis of Bill

HB443 amends Section 35-1-20 NMSA 1978 to provide for two additional magistrate judges in the Dona Ana magistrate district along with 10 new court clerk positions. The sum of $630.0 is appropriated from the general fund to the Administrative Office of the Courts (AOC) for the purpose of funding these positions.

Currently, the Dona Ana magistrate district has four magistrate judges, one for each of its divisions pursuant to state statutes. HB443 will create Divisions 5 and 6 within the judicial district and therefore, increase the number of magistrate judges by two. The two judges will be appointed by the governor to begin serving as magistrate judges effective July 1, 2001 and will serve in that capacity until succeeded by a magistrate elected during the general election to be held in 2002.

The effective date of the provisions of this bill is July 1, 2001.

   Significant Issues

In1998 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.

       1. _JUDGES_. The Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide. The Weighted Caseload Study showed a need in Dona Ana Magistrate Court for **2** additional judges (see attachment 1). The Council voted to support the two requested Dona Ana Magistrate Court judgeships in its Judiciary Unified Budget..

       2. _CLERKS_ . The Chief Judges Council also reviewed additional magistrate staff requests. The Workload Measurement Study shows a need for an additional 8.7 clerks in Dona Ana County as noted in attachment 2. The Council voted to support a request for **7** additional court clerks for Dona Ana, _not 10._ The additional three clerk positions are not supported by the Judicial Unified Budget.

FISCAL IMPLICATIONS

Of the $630.0 appropriation contained in this bill, $534.0 is a recurring expense to the general fund. The remainder, $96.0, is non-recurring, intended to pay for furniture, computers and other capital items. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

On the revenue side, a full staff of judges and clerks will likely result in additional revenue in the form of fines and fees to the general fund and other state funds of at least $400.0 based on traffic citations and other matters that are currently being dismissed in the court.

ADMINISTRATIVE IMPLICATIONS

At its current judge and staffing level, the Dona Ana Magistrate Court is falling behind at a rate of over 10,000 cases per year (number of cases pending at the end of the year compared with the start). Several thousand traffic citations are not getting docketed and are ultimately dismissed for lack of prosecution. The court has also experienced a 100% staff turnover (the entire staff) in the last 13 months, largely as a result of the staff's inability to keep up with the caseload.

If this bill is enacted, the Magistrate Court Director at AOC believes that one additional judge should be assigned full-time to the Anthony circuit court which has a caseload of over 3,500 cases per year. While there is currently not sufficient space at the Las Cruces facility to house an additional magistrate judge and ten clerks in Las Cruces, the AOC is negotiating with the City of Las Cruces for a new, multi-judge, multi-clerk courthouse. The cost of this facility is unknown.

By adding two judgeships in Dona Ana magistrate district, the question of accommodations arises. It is unclear whether existing courthouses are going to be used or if there will be a need now or in the future to construct or lease a new courthouse.

DUPLICATION/RELATIONSHIP

HB443 duplicates language in HB215, plus duplicates SB194 and SB130 by amending Section 35-1-10 NMSA 1978, Chapter 62, Section 12 in order to create divisions 5 and 6 in the Dona Ana magistrate district and changing the statutes to say that there shall be six magistrates in that district, not four.

HB215 contains a general fund appropriation for costs associated with the two additional judges totaling $188,700. That amount covers salaries and benefits for the two magistrates, furniture, supplies and equipment. There were no provisions nor appropriation specified in HB215 for new clerk positions in the Dona Ana magistrate district.

SJR6 proposes to amend the Constitution in order to require the election of judges and justices.

CMH/njw
Attachments