

NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Campos DATE TYPED: 02/15/01 HB _____
 SHORT TITLE: Additional Magistrate Clerks Statewide SB 386
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 1,446.7			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB279, SB130 and SB197, SB170, and SB194.

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	\$ 160.0	\$ 200.0	Recurring	General Fund
	\$ 240.0	\$ 275.0	Recurring	Various*

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC budget files
 Administrative Office of the Courts
New Mexico Judicial Branch Unified Budget
Index to Revenue Sources of New Mexico

SUMMARY

Synopsis of Bill

SB386 appropriates \$1,466.7 from the general fund to the Administrative Office of the Courts for the purpose of funding 38 new court clerk positions for various magistrate courts throughout New Mexico. The clerks would be distributed among magistrate courts in accordance with the recommendation of the Chief Judges Council.

Senate Bill 386 -- Page 2

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

Significant Issues

The Chief Judges Council reviewed all district, metropolitan and magistrate staff requests during the FY02 budget process. Their Workload Measurement Study shows a need for an additional 37 magistrate court clerks statewide (see attachment). The council voted to support a request for 37 new clerk positions. Neither the LFC nor the Executive recommended funding in FY02 for these positions.

In SB386, the proposed placement of court clerks differs from the Chief Judges' Council recommendations in the following instances:

- 1) adds 1 clerk to Lincoln County Division 2 - Carrizozo (not in Unified Budget)
- 2) adds an extra .5 clerk to San Miguel County (not in Unified Budget)
- 3) does not allocate .5 clerk to Socorro (recommended in Unified Budget)

FISCAL IMPLICATIONS

The appropriation of \$1,466.7 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

SB386 appropriates funding for salaries and benefits, supplies, furniture and equipment for 38 court clerks in 18 different magistrate districts at a cost of \$38.1 per clerk.

Full staffing could result in additional revenues estimated at \$400.0, of which 40% is designated for general fund; the remainder is deposited in other state funds. These revenues would be in the form of fines and fees collected.

At current staffing levels, several thousand traffic citations do not get docketed and are ultimately dismissed for lack of prosecution. This results in loss of revenue to the general fund and other state funds. With additional staff, traffic citations and other matters that are currently being dismissed in court could be appropriately processed and collected on, thereby increasing the amount of revenue generated from the magistrate courts.

ADMINISTRATIVE IMPLICATIONS

According to the AOC, the magistrate courts are falling behind at a rate of over 30,000 cases per year combined (measured as the number of cases pending at the end of the year compared to at the start). The civil backlog in understated courts is over one year and growing. Besides being understaffed, magistrate staff turnover is high, plus inexperienced clerks further exacerbate the problem as a result of their inability to keep up the caseload.

The AOC Magistrate Court Program has attempted to alleviate the backlogs by taking vacant clerk positions from less busy courts and transferring them to severely understaffed courts and by using DWI council temporary clerks, volunteers and AOC administrative staff to do citation entry. While helpful, temporary assistance does not address the long term affects of understaffing and does not address the increasing caseloads evident at all levels of the judiciary.

RELATIONSHIP

Senate Bill 386 -- Page 3

SB130 and SB194 each provide 10 court clerks for Dona Ana County; SB197 provides two court clerks for Otero County; SB170 provides for “staff” at an undetermined level.

SB279 proposed 37 court clerk positions. This bill proposes 38. Apart from the number of positions, the two bills are duplicates. Both have the same funding amounts. The extra position in this bill adds another court clerk position to the Lincoln magistrate district in division 2. This position is not recommended by the Chief Judges Council nor was it submitted for funding in the *Judicial Unified Budget*. Caseload/workload did not warrant a second position for Lincoln magistrates.

CMH/njw
Attachment