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FISCAL IMPACT REPORT

SPONSOR: SRC DATE TYPED: 03/16/01 HB _____
 SHORT TITLE: Public Peace, Health, Safety and Welfare SB 856/SRCS/aHAFC
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		NFI			

(Parenthesis () Indicate Expenditure Decreases)

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee substitute of SB 856 strikes the general fund appropriation of \$50.0 from the bill. The bill no longer makes any appropriation for the interim legislative state judicial system study or its committee.

Synopsis of Original Bill

The Senate Rules committee substitute for SB856 appropriates \$50.0 from the general fund to the Legislative Council Service for the purpose of creating a joint interim legislative state judicial system study committee and providing for the appointment of committee members, including their duties and powers of subpoena.

The committee shall function from the date of its appointment until December 1, 2002, at such time it will make a report of its findings and recommendations regarding the judiciary.

The committee substitute contains an emergency clause so that the provisions of this bill take effect immediately upon enactment.

Significant Issues

1. Committee Membership. The committee will be composed of 10 members, five from the Senate and five members from the House of Representatives, appointed by the New Mexico Legislative Council. The two major political parties in each house will have the same proportionate representation on the committee as prevails in each house. The Legislative Council has final authority on members, vacancies and party representation.

2. *Duties and Powers.* After appointments, the committee will compile and submit a work plan and budget to the Legislative Council for approval. The committee's objective will be to:

- a. Examine state laws and regulations governing the judicial system;
- b. Evaluate the effectiveness of the judiciary system;
- c. Provide recommendations to the legislature regarding new legislation or changes in current law, if any, determined necessary by the committee.

3. *Report.* The committee will compile a report of its findings and recommendations for the consideration of the first session of the forty-sixth legislature.

FISCAL IMPLICATIONS

The appropriation of \$50.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

The amount is to be used for the purpose of paying the salaries and expenses of the technical, legal and clerical staff and for reimbursing the per diem and mileage expenses of the state judicial system study committee members.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

There were numerous bills introduced this session on behalf of the judiciary totaling millions of dollars. Some of the requests were consistent with and approved by the Judiciary Unified Budget. Others introduced were in direct conflict with the unified budget and the Chief Judges Council. Issues regarding elections of judges arose. Bills requesting judgeships for certain districts conflicted with other bills and, sometimes, even with the recipient of the legislation. Questions have been posed this year regarding elimination of certain magistrate districts; one bill proposed consolidating municipal and magistrate courts in one locale. A 14th judicial district has been proposed. Residency requirements of another district have been amended. The Weighted Workload Study has been used to request additional positions but also used to eliminate certain positions. Magistrates want to change the salary formula; court fees have been increased. Redistricting may be addressed..... It appears that many issues face the judiciary today.

A cooperative, comprehensive study as proposed in this bill may assist in prioritizing the issues and in recommending a methodology for accomplishing certain goals.

POSSIBLE QUESTIONS

1. Is \$50.0 enough to pay for technical, legal and clerical staff until December 2002?
2. In evaluating "effectiveness of the judiciary," what criteria will be used? Is this a performance evaluation, such as timeliness of case filing to adjudication? or an efficiency evaluation such as caseload per judge?

CMH/njw:ar