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FISCAL IMPACT REPORT

SPONSOR M. Sanchez DATE TYPED 2/14/04 HB _____

SHORT TITLE Additional Judgeships SB 310/aSFC

ANALYST Koplik

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 176

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts

Public Defenders Office

SUMMARY

Synopsis of Original Bill

Senate Bill 310 appropriates \$1.269 million from the general fund for five judgeships, in the Ninth, Eleventh, and Thirteenth judicial district courts, in Bernalillo County Metropolitan Court, and Santa Fe Magistrate Court.

Symopsis of SFC Amendment

The amendment approved by Senate Finance Committee strikes the appropriation of \$1.269 million creating 17 positions, 5 judges, 4 trial court administrative assistants, 3 court reporters, 3 bailiffs, a court monitor and clerk, without a funding mechanism. If this bill is signed into law, the judiciary would need a supplemental appropriation of \$1.269 million to fulfill this mandate.

Significant Issues

This Corrections Oversight and Justice Committee sponsored bill creates and provides for an appropriation for one new judgeship in the Ninth Judicial District, one new judgeship in the Eleventh Judicial District (McKinley County), one new judgeship in the Thirteenth Judicial District (Sandoval County), one new Metropolitan Court judgeship, and one additional magistrate judgeship in Santa Fe County.

The metropolitan court judgeship in Bernalillo County shall be filled by appointment by the governor and shall serve until the 2004 general election. The successor chosen at the general election shall hold office until the general election four years later.

The magistrate court judgeship in Santa Fe County shall be filled by appointment by the governor and shall begin serving on July 1, 2004, and shall serve until succeeded by a magistrate elected at the general election in 2004. The elected magistrate's term of office shall begin on January 1, 2005 and shall end on December 31, 2006.

The three district court judgeships in the Ninth, Eleventh, and Thirteen Judicial Districts shall be appointed by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico.

The bill provides appropriations for salaries and benefits and furniture, supplies and equipment for the additional judges and support staff.

JUDGESHIP APPROPRIATIONS

Judgeships	Appropriation to the Court or the AOC
9 th Judicial (1 judge and support staff)	\$299.7
11 th Judicial (1 judge and support staff)	\$299.7
13 th Judicial (1 judge and support staff)	\$299.7
Metro Court (1 judge and support staff)	\$280.6
Magistrate - Santa Fe (1 judge)	\$89.3
Total	\$1,269.0

In November 1998, the AOC completed and updated an 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, expressed in minutes, for each type of case heard in a court. The weight represents the average amount of judge's time necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

The Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study applied to FY 03 data, as well as additional narrative and testimonial information. The Council voted to support the judgeship requests in this bill.

Judge Need for District and Metropolitan Courts for FY 05				
Agency	Judges/Hearing Officer			
	Judge Need ¹ (based on weighted caseload study)	Current Actual Judges	Hearing Officers/ Special Masters ² (at 66% of judge weight)	Gap (negative number denotes need)
First Judicial District	8.44	7.00	1.33	(0.11)
Second Judicial District ⁴	29.20	23.00	5.33	(0.87)
Third Judicial District	8.11	7.00	0.66	(0.45)
Fourth Judicial District	2.67	2.00	0.11	(0.57)
Fifth Judicial District	10.25	8.00	0.00	(2.25)
Sixth Judicial District	3.60	3.00	0.00	(0.60)
Seventh Judicial District	3.21	3.00	0.00	(0.21)
Eighth Judicial District	2.92	2.00	0.84	(0.08)
Ninth Judicial District	5.30	3.00	0.11	(2.19)
Tenth Judicial District	1.20	1.00	0.00	(0.20)
Eleventh Judicial District	8.74	6.00	0.66	(2.08)
Twelfth Judicial District	4.40	4.00	0.66	0.26
Thirteenth Judicial District	8.52	6.00	0.66	(1.86)
DISTRICT POSITIONS NEEDED**:	96.56	75.00	10.36	(10.00)
Bernalillo County Metropolitan Court	19.12	16.00		(3.12)
¹ Weighted Caseload Study revisited in 1998 by NM AOC and Heidi Green				
² Court Administrators provided information based on having:				
- permanent FTE's within their district				
- if hearing officer/special master is shared with another district, FTE time was estimated				
- hearing officers/special masters given credit of .66 of a district judge as authorized by the Chief Judges Council on August 17, 2001				
⁴ Using new staffing counts and last year's methodology				
** Total Positions Needed (.5 or greater need rounded to the next whole number.)				

The results of the Weighted Caseload Study for each judge-ship request in this bill are as follows:

FISCAL IMPLICATIONS:

This bill provides a \$1269.0 appropriation from the general fund. \$1.11 million of the \$1.269 million appropriation is a recurring expense of to the general fund. The remaining \$158.2 for initial set-up costs is non-recurring. Any unexpended or unencumbered balance remaining at the end of FY 2005 shall revert to the general fund.

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