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FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/06

SPONSOR Smith LAST UPDATED _____ HB _____

SHORT TITLE Lea Magistrate Judge Position SB 341

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	(\$87.0)	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to the appropriation for the Administrative Office of the Courts included in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 341 proposes to eliminate the Magistrate Judge position in Tatum beginning January 1, 2007. The Bill declares an emergency, which would allow the statute to go into effect immediately. The bill provides that the elimination of a magistrate would not decrease the clerks assigned to the magistrate, but rather assigns responsibility to the Administrative Office of the Courts to reassign the positions, and other resources including furniture equipment and supplies to other magistrates as needed.

The Bill provides that as of January 1, 2007, the Division 4 magistrate would be located in Lovington, divisions 1 and 2 as a single court in Hobbs and division 3 in Eunice. The Division 4 magistrate would ride circuit to Tatum and the Division 3 magistrate would ride circuit to Jal, and to Hobbs as needed.

FISCAL IMPLICATIONS

Eliminating this judgeship would save \$86,950 on a recurring basis in the Magistrate Division at the Administrative Office of the Courts. Because the bill provides for continued circuit coverage, the agency contends that the court would remain and lease costs would not be recovered; AOC asserts that there would be minimal cost to reimburse the Lovington Magistrate for traveling to Tatum.

SIGNIFICANT ISSUES

The Supreme Court has recommended eliminating this judge position at the end of the current term.

The AOC reports that the average caseload in the Tatum Magistrate Court, proposed to be eliminated with this bill, is approximately 70 cases.

Last year an almost identical bill, Senate Finance Committee Substitute for Senate Bill 980, passed the Senate during last year and died on the House floor. The difference between the bill introduced last year and this bill is the emergency clause and date of change enactment

4 judges would remain in Lea County (1 judge in Lovington, 2 in Hobbs, and 1 in Eunice). Under the judiciary's weighted caseload study Lea county demonstrates a need for only two to three judges.

As the bill provides that the judge in Lovington would ride circuit to Tatum The Tatum court will remain available to the public,. As provided by existing law, the judge in Eunice would continue to ride circuit to Jal.

According to AOC, the bill's designation of precincts for the remaining 4 divisions complies with the existing federal consent decree that arose from Voting Rights Act litigation. The minority district (Division 2 in Hobbs) maintains a greater than 60% minority voting population and a greater than 2/3 total minority population.

PERFORMANCE IMPLICATIONS

The elimination of the Tatum magistrate would result in the magistrates of Lea County having a more appropriate caseload level as determined in the judiciary's caseload study. The 4 magistrates would still have a smaller caseload than other magistrates' caseloads in the state.

ADMINISTRATIVE IMPLICATIONS

The Lovington magistrate may have minimal increases in workload as a result of this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The AOC's budget, as recommended by HAFC, includes the magistrate salary which would no longer be necessary should Senate Bill 341 be enacted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Lea County will remain with more than 2 magistrates greater than the number of magistrates recommended in the judgeship study.

POSSIBLE QUESTIONS

1. Could a site be rented once a week to hold court rather than maintaining the continuous lease in Tatum?

EM/nt