

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1/23/13
Bill No: HB 151--305

Sponsor: Rep. Mary Helen Garcia **Reviewing** Attorney General's Office
Short Election of Certain Magistrate **Person Writing** Zack Shandler
Title: Judges **Phone:** 827-6921 **Email** zshandler@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHAGED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: House Bill 151 permits a sitting magistrate judge (who is not a lawyer) to seek re-election even when the judge’s judicial district (i.e. county) grows to more than 200,000 persons (according to the federal decennial census).

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

N/A

SIGNIFICANT LEGAL ISSUES

This bill creates a third class of magistrate judges. There will be: (1) magistrate judges who are not lawyers who work in judicial districts with less than 200,000 persons; (2) magistrate judges who are lawyers who work in judicial districts with more than 200,000 persons and now (3) magistrate judges who are current magistrate judges, but not lawyers, and who work in judicial districts with more than 200,000 persons. The Legislature, however, is authorized to make these “reasonable legislative classifications” for magistrate judges. See N.M. Att’y Gen. Op. No 69-8 (1969) (citing the Legislature’s authority under Article VI, Section 26 of the New Mexico Constitution to set magistrate judge requirements by county population size).

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

N/A

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

None yet.

TECHNICAL ISSUES OR DRAFTING ERROR

None

OTHER SUBSTANTIVE LEGAL ISSUES

N/A

ALTERNATIVES TO ENACTING THIS BILL

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

It is possible that those sitting magistrate judges in Dona Ana County (since it appears that county has grown to more than 200,000 persons) who are not lawyers will not be eligible “for election” in 2014.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

N/A