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## FISCAL IMPACT REPORT

SPONSOR: J.G. Taylor                      DATE TYPED: 03/01/01    HB 561/aSJC

SHORT TITLE: Metropolitan Judge Pro Tempore Compensation    SB \_\_\_\_\_

ANALYST: Hayes

### APPROPRIATION

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB46

### SOURCES OF INFORMATION

LFC Budget Files  
Administrative Office of the Court (AOC)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment inserts language emphasizing that rates of compensation provided to a district court judge pro tempore are established by the Supreme Court.

#### Synopsis of Original Bill

HB561 adds a new section to Chapter 34, Article 8 NMSA 1978 to compensate retired metropolitan court judges who serve as a special master, arbitrator or metropolitan judge pro tempore at an amount equal to ninety percent of the compensation provided to a full-time district court judge pro tempore.

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

#### Significant Issues

The sole “metropolitan” court in the State of New Mexico is the Bernalillo County Metropolitan Court (BCMC) located in Albuquerque. Therefore, this bill applies only to pro tempore judges serving at BCMC.

“Pro tempore” literally means “for the time being;” in other words, a temporary or a substitute judge. Retired judges pro tempore serving at BCMC assist in hearing cases when judges are unavailable, for example when dockets are full or for employee grievances or other employee-related cases.

Under the HB561, the rate for metropolitan court judges pro tempore would be \$60.44 an hour which is equal to 90% of the compensation provided to a district court judge pro tempore. A district court judge pro tempore currently receives \$67.15 an hour – a rate set by Supreme Court Order.

It should be noted that if the Supreme Court itself designates a retired *district* court judge to serve as a pro tempore at the metropolitan court, that judge receives the district court’s rate of compensation.

### **FISCAL IMPLICATIONS**

Currently, metropolitan court judges pro tempore are compensated at a rate of \$75 *per day* plus *gross receipts tax*. Given that this bill changes the rate of compensation to \$60.44 *per hour*, the average amount per day for pro tempore services would increase to **\$484** (\$60.44 x 8 hours).

Since funding is available in Bernalillo County Metropolitan Court’s general fund budget to pay compensation increases for judges pro tempore, additional funding is not being requested.

### **RELATIONSHIP**

In contrast, SB46 seeks to authorize payment to magistrate judges pro tempore at the same hourly rate as magistrate judges, together with mileage (at \$.25 per mile) and per diem (at \$65 per day when required). The current hourly rate for a magistrate judge is \$26.47.

The Supreme Court believes that the difference in pay is justified because the retired metropolitan judges are licensed attorneys compared to most magistrate judges. In addition, the metropolitan court has had a difficult time finding former judges to serve as judges pro tempore. Increased compensation will provide incentive.

CMH/njw:lrs:ar