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## FISCAL IMPACT REPORT

SPONSOR: Snyder DATE TYPED: 02/04/03 HB \_\_\_\_\_

SHORT TITLE: Chief Judges' Salaries SB 251

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$32.4			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB52

### SOURCES OF INFORMATION

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 251 amends Section 34-1-9 NMSA 1978 in order to increase the statutory salaries for the judges serving as Chief Judges in the district courts, metropolitan court and magistrate courts. The bill appropriates \$32.4 from the general fund to the Administrative Office of the Courts to provide for the salary differentials.

The effective date of the provisions of this legislation is July 1, 2003.

#### Significant Issues

1. Currently, the Chief Justice of the Supreme Court receives an additional \$2,000 salary stipend due to increased administrative responsibilities. The Chief Judge of the Court of Appeals receives 95 percent of \$2,000. No other chief judges in the state receive a salary differential. This legislation would provide for salary stipends to all other judges serving as chief judge of their court. The stipend increase follows the same formula used for

salaries.

2. In the district, metropolitan and magistrate court, chief judges have significant administrative duties in addition to their caseload. The stipend, if authorized, will provide a financial incentive to serve as chief judge as well as create parity among all levels of chief judges.
3. In regards to magistrate courts, this legislation applies only to the presiding judge (chief judge) in magistrate courts with three or more judges. Therefore, only the Santa Fe and Dona Ana magistrate districts would be affected by SB251.

### **FISCAL IMPLICATIONS**

The appropriation of \$32.4 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2004 shall revert to the general fund.

### **RELATIONSHIP**

The amount requested in SB251 may increase if HB52 is passed. House Bill 52 appropriates \$5,585,330 from the general fund to the Administrative Office of the Courts (AOC) for the purpose of providing salary increases to Supreme Court justices and judges of all state courts. The annual salary of the New Mexico Supreme Court justices would be raised to \$129,595. The salaries of all other state judges, including special commissioners and hearing officers, would then be proportionally increased pursuant to the ratios established in Section 34-1-9 NMSA 1978.

### **TECHNICAL ISSUES**

Since appropriations for operating costs, including compensation, for district and metropolitan courts are always appropriated directly to those courts, it is suggested that the stipend amount needed per court be appropriated to each individual court affected by this bill, not appropriated to the AOC. The Administrative Office of the Courts would only receive a limited appropriation to the Magistrate Court Program for the Santa Fe and Dona Ana presiding judges stipends.

**CMH/sb**