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## FISCAL IMPACT REPORT

SPONSOR Snyder DATE TYPED 02/16/05 HB \_\_\_\_\_

SHORT TITLE Create Judicial Compensation Commission SB 263

ANALYST Moser

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts  
Department of Finance and Administration

### SUMMARY

#### Synopsis of Bill

Senate Bill 263 proposes the establishment of an independent Judicial Compensation Commission to evaluate judicial salaries and make recommendations to the Legislature and the Department of Finance and Administration on appropriate salaries for state court justices and judges. This was recommended by the Corrections Oversight, Courts and Justice Committee. Currently, judicial compensation requests are made directly by the Judiciary. Based on the structure in the proposed legislation, the commission will operate as described below:

The commission will be chaired by the dean of the University of New Mexico School of Law. Other members of the commission would be the president of the state bar of New Mexico or a designee, one member appointed by the governor, one member appointed by the president pro tempore of the Senate, one member appointed by the speaker of the House of Representatives and one member appointed by the chief justice of the Supreme Court. Appointed members shall serve staggered terms. The commission will meet at least once a year. The commission will be staffed by the Administrative Office of the Courts. The commission will submit a report to the

Legislative Finance Committee and the Department of Finance each year containing findings and conclusions and making recommendations as to the appropriate salary to be paid to state-funded justices and judges.

### Significant Issues

At least twenty states have judicial compensation commissions authorized by statute or constitution. The American Bar Association encourages states to adopt independent judicial compensation commissions similar to the one proposed in this bill. See <http://www.abanet.org/leadership/2003/journal/105a.pdf>

### **PERFORMANCE IMPLICATIONS**

A Judicial Compensation Commission will act impartially in recommending adequate compensation for New Mexico justices and judges, which will result in attracting and retaining the best qualified individuals to serve on the bench, and enhancing the institutional and decisional independence of the courts.

### **FISCAL IMPLICATIONS**

The AOC states that the AOC will absorb into its budget any fiscal costs associated with the operation of the Commission.

### **ADMINISTRATIVE IMPLICATIONS**

Per the bill, the Commission would be administratively attached to the Administrative Office of the Courts (AOC). Staff and meeting space would be provided by AOC.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If the bill is not enacted there would be no change to the current process of the judiciary making recommendations regarding compensation.

**EM/lg**