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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/06
LAST UPDATED 2/14/06 HB _____

SPONSOR Snyder

SHORT TITLE Increase Metro and Magistrate Judge Salaries SB 81/aSFC

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates House Bill 107.

Relates to Senate Bill 133 and House Bill 181.

Relates, but does not duplicate, appropriation for judicial salary increases in the General Appropriation Act.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Bernalillo County Metropolitan Court (BCMC)

SUMMARY

Synopsis of SFC Amendments

The SFC amendments to Senate Bill 81, "Increasing the Salaries of Metro and Municipal Judges" remove the \$387,000 appropriation which was included in the bill originally.

Synopsis of Original Bill

Senate Bill 81, "Increasing the Salaries of Metro and Municipal Judges" appropriates \$387,622 from the general fund to the Bernalillo Metropolitan Court (\$105,188) and the Administrative Office of the Courts (\$282,434) for the purpose of increasing the salary of a judge in the Bernalillo County Metropolitan Court from 90 percent of a district court judge's salary to 95 percent of a district judge's salary. The bill would also increase the salary of magistrates because their salaries are set as 75 percent of a metropolitan judge's salary.

FISCAL IMPLICATIONS

The bill as amended does not include an appropriation and would not have an impact on the general fund. However, BCMC and the magistrate courts would have to finance the salary increases without the associated funding should the bill be enacted.

SIGNIFICANT ISSUES

The proposed change is one of two recommendations made by the Judicial Compensation Commission, a commission created during the 2005 legislative session.

If this proposed change of a metro court judge's salary from 90 to 95 of a district court judge is passed along with the LFC recommendation for judicial salaries, or either of the other bills recommended by Judicial Compensation Commission which propose a 7.6 percent increase for all judge salaries, metro court judges will realize a 13.5 percent salary increase in FY07.

According to BCMC, the proposed salary increase is appropriate based upon the requirement that metropolitan court judges be attorneys. Magistrate court judges are not required to be attorneys or to hold a degree.

The only difference in eligibility requirements for district court judges versus metropolitan court judges is that district court judges are required six years of practice prior to office, Metropolitan court judges are only required three.

PERFORMANCE IMPLICATIONS

BCMC proposes that metro court judges would be more easily retained if their salaries were increased to 95 percent of a district judges salary, and that judges would be less likely to run for a district judgeship if there were less of a disparity between the salary levels.

“Average percent annual judgeship retention” and “Percent judges retained until retirement” are measures that could be applied to determine the success of the proposed increase in funding.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill duplicates House Bill 107 and relates to Senate Bill 133 which proposes an increase to all judges salaries beginning with the

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Metro court judge salaries would remain as 90 percent of a district court judges.

POSSIBLE QUESTIONS

1. What is the expected improvement in retention for metropolitan court judges with the proposed salary increase?
2. What positions will the courts not hire, or what types of savings will the courts use in order to fund the proposed salary increase?

EM/mt:nt