

LFC Requester:	Austin Davidson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 1/25/2024
Bill No: HB 204

Sponsor: Joseph L. Sanchez and Tara L. Lujan
Short Title: District Attorney Salaries – 95% of COA Judge

Agency Name and Code 218 AOC
Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB141, HB113, SB70, SB 168
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 36-1-6 sets New Mexico’s district attorney pay and since 2001, is set by the legislature in an appropriations act. In FY2024, district attorneys’ annual salary was \$156,465.05. HB 204 proposes district attorneys’ salaries be 95% of a New Mexico Court of Appeals Judge.

The bill also proposes clarifying language related to at-will employee rights, and amends the election of the district attorney personnel review board to every two years instead of annually.

FISCAL IMPLICATIONS

The bill does not have an effective date, which would have a fiscal impact on the current fiscal year, as the bill would go into effect 90-days after the adjournment of the legislature enacting them.

Currently, New Mexico District Attorneys are paid an annual salary of \$156,465.05, which after PERA and FICA (28.89%) is \$201,667.80. Based on the New Mexico Court of Appeals Judge salary for FY2024, this would increase pay to \$172,993.76 or with PERA and FICA (28.89%) is \$222,971.66. This is an approximate 11% increase and fiscal impact with PERA and FICA is approximately \$21,303.86 per district attorney.

If the proposed judicial compensation bill passes during the session, the annual salary for a New Mexico Court of Appeals Judge would be approximately \$220,970, or after PERA and FICA \$276,543.96. The corresponding increase to the district attorneys would be an annual salary of \$209,921.50, or after PERA and FICA \$270,567.82. This is an approximate 34% increase and fiscal impact with PERA and FICA is approximately \$68,900.02.

SIGNIFICANT ISSUES

This bill does not have a fiscal impact on the New Mexico Judicial Branch and the judiciary supports pay increases for its justice partners.

The Judicial Compensation increase proposed is critical to recruit and retain qualified applicants for state judge positions. Currently, and in some counties, there are not sufficient interested, qualified applicants to appropriately fill judicial vacancies, and increasing compensation will allow the courts to attract more candidates with a broader legal experience to judicial positions.

It is anticipated this bill would have a similar positive effect on the Offices of the District Attorney statewide, and serve to recruit and retain more candidates, as well as those with broader legal experience.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

HB 204 does not have an effective date. Typically, compensation legislation is effective the first full pay period in the new fiscal year. Additional appropriations would be required if the effective date is not clarified either in this bill, or in the appropriation legislation.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS