

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/06
 LAST UPDATED 2/14/06 HB 107/aHAFC

SPONSOR Park

SHORT TITLE Increase Metro and Magistrate Judge Salaries SB _____

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Senate Bill 81.

Relates to Senate Bill 133 and House Bill 181.

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

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY06	FY07	FY08	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total			\$3.8-\$48	\$3.8-\$48	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Bernalillo County Metropolitan Court (BCMC)

SUMMARY

Synopsis of HAFC Amendments

The HAFC amendments to House Bill 107, "Increasing the Salaries of Metro and Municipal Judges" remove the \$387,000 appropriation which was included in the bill originally.

Synopsis of Original Bill

House Bill 107, “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 Senate Bill 81 and relates to House Bill and Senate Bill 133 which propose 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