

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 1/23/2024 REVISED
Bill No: HB 141

Sponsor: Dayan Hochman-Vigil and
Christine Chandler
Short Title: Supreme Court Justice Salaries

Agency Name and Code 218 AOC
Number: _____
Person Writing Aaron Holloman
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	\$ 6,048,684		

(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: HB 113, SB 70
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Currently, state court judicial salaries are provided by the legislature. Section 34-1-9 sets lower court judges’ salaries as a set percentage, ninety-five percent, of higher court salaries. For example, a Court of Appeals judge’s salary is ninety-five percent of a Supreme Court justice’s salary.

HB 141 amends Section 34-1-9 to set the salary of Supreme Court justices to a hard number: \$232,600. Because the statute links the salaries of lower state court judges to the salary of a Supreme Court justice, this change would increase the salaries of Court of Appeals, district court, and Metropolitan Court judges.

HB 141 removes magistrate court judges from Subsection C, so that the salary of magistrate court judges is no longer required to be ninety-five percent of a Metropolitan Court judge. Under proposed subsection D, the annual salary of magistrate judges is set by the Legislature in an appropriations act.

FISCAL IMPLICATIONS

The FY2025 cost to set Justice pay at the level \$232,600 with the proposed effective date of July 1, 2024, would be \$6,290,631.75, with the same reoccurring cost. These costs are for non-magistrate pay as HB 141 removes New Mexico magistrate judges from the interrelated pay structure setting magistrate pay as a percentage of Metropolitan Court pay.

SIGNIFICANT ISSUES

The 2023 New Mexico Judicial Compensation Committee Report states: “The salary of New Mexico supreme court justices as of July 2023 (\$191,693) ranks 29 out of 54 and district court judges rank 30 compared to salaries in other states and territories.” It goes on to say that “judges are paid less than lawyers with comparable experience, which significantly reduces the Judiciary’s ability to attract and retain judges with proficiency in civil law.” These salary ranges therefore affects the ability to recruit new judges. In some counties, there are not sufficient interested, qualified applicants to appropriately fill judicial vacancies, and otherwise interested and qualified candidates are forgoing application for state judge positions in favor of better compensated federal judicial positions. The bill addresses this discrepancy and would allow for

the courts to attract more candidates with a broader legal experience to judicial positions.

The bill removes the magistrate judges from the current formula of cascading salaries based on a justice of the Supreme Court. The courts are not currently seeing the same difficulties in attracting candidates for magistrate positions. At present the salary for magistrate judges is at \$123,260 which is adequate to allow recruitment of a broad pool of candidates to those positions.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The appropriation would need to be increased if the effective date is July 1, 2024. The appropriations reflect the cost if effective the first full pay period in the 2025 fiscal year.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico will continue to face challenges in recruiting and retaining qualified and experienced judges, and judicial salaries will lag well behind the majority of other states in the nation.

AMENDMENTS