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## FISCAL IMPACT REPORT



SPONSOR: Lyons DATE TYPED: 01/30/02 HB \_\_\_\_\_

SHORT TITLE: State Legislators' Annual Salary SB SJR 9

ANALYST: Burch

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			30.0	Nonrecurring	General Fund
			\$1,120.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with House Joint Resolution 13 and House Bill 266

### SOURCES OF INFORMATION

LFC files

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 9 proposes to amend Article 4, Section 10 of the New Mexico Constitution to provide legislator's with a monthly salary of \$2.0, except during regular sessions, the monthly salary is \$1.0 for those months when the legislature is in session for a part of the month.

#### Significant Issues

### FISCAL IMPLICATIONS

The next general election that would include constitutional questions on the ballot will be in November 2002. If the question is approved by the voters, the change would not make a fiscal impact until the 2003 Legislature. The total recurring cost to the general fund during FY03 would be \$1,120.0. The total cost for a full fiscal year would be \$2,464.0 for years with 60-day sessions (\$22.0 per member x 112 members) and \$2,352.0 for years with 30-day sessions.

## **Senate Joint Resolution 9 – Page 2**

If passed, this question would appear on the ballot in the November 2002 general election. The Secretary of State reports it costs \$30.0 to place an item on the ballot for advertising and printing. Included in the cost is: (1) the publishing of constitutional amendments in English and Spanish for four consecutive weeks in one newspaper in each county of the state; (2) the oral translation and radio broadcast into the Native American languages of Tewa, Tiwa, Towa, Keres, Zuni, Mescalero Apache, Jicarilla Apache and Navajo; and (3) the printing of amendments booklets in English and Spanish (including Spanish language translation cost) and distribution to all county clerks (100,000 booklets were printed for 2000 general election). Therefore, there would be a nonrecurring cost to the general fund of \$30.0 in FY03. This legislation does not include an appropriation needed to fund these costs.

### **CONFLICT**

House Joint Resolution proposes to amend the constitution to provide for a cap on legislative salaries to the average paid in the five contiguous states. A companion measure, House Bill 226 amends Section 2-1-8 NMSA 1978 to provide for an annual salary of \$21.0. See attachment for National Conference of State Legislature's study of legislative compensation for the five contiguous states.

**DKB/njw**  
**Attachment**

## LEGISLATIVE MANAGEMENT

**TABLE 1. COMPENSATION & LIVING EXPENSE ALLOWANCE DURING SESSION, 2000**

State	Salary	Per Diem
Arizona	\$24,000/year.	\$35/day for 1 <sup>st</sup> 120 days of regular session and special session and \$10/day thereafter. Members residing outside Maricopa County receive an additional \$25/day for the 1 <sup>st</sup> 120 days of a regular session and a special session and an additional \$10/day thereafter. Set by statute.
Colorado	\$30,000/year.	\$45/day for members living in the Denver metro area. \$99/day for members living outside Denver. Per diem is determined by the legislature.
New Mexico	None.	\$136/day tied to federal rate & the constitution.
Oklahoma	\$38,400/year.	\$103/day tied to federal rate.
Texas	\$ 7,200/year.	\$118/day set by the Ethics Commission.
Utah	\$ 100/day.	\$75/day lodging allotment for each calendar day, tied to federal rate. \$42/day per diem for each calendar day. (NOTE: Regular session is 45 days long.)

**TABLE 2. LIVING EXPENSE ALLOWANCE DURING INTERIM, 2000**

State	Interim Per Diem
Arizona	\$35/day with prior approval of presiding officer set by statute.
Colorado	Members are reimbursed for actual expenditures.
New Mexico	\$136/day tied to federal rate.
Oklahoma	\$25/day set by the legislature.
Texas	Senators receive \$118/day for legislative business in Travis County, not to exceed 10 days per month. Representatives receive \$118/day for legislative business in Travis County, not to exceed 12 days per month. Per diem amount is determined by the Ethics Commission and the number of days is determined by the Senate Caucus and the Committee on House Administration.
Utah	\$42/day meals; up to \$75/day for lodging.

**TABLE 3. ADDITIONAL COMPENSATION FOR HOUSE/ASSEMBLY LEADERS, 1999**

State	Presiding Officer	Majority Leader	Minority Leader	Other Leaders
Arizona	None.	None.	None.	None.
Colorado	All leaders receive \$99/day during interim when in attendance at committee or leadership matters.			
New Mexico	None.	None.	None.	None.
Oklahoma	\$17,932	\$12,364	\$12,364	Speaker pro tem, \$12,364
Texas	None.	None.	None.	None.
Utah	\$1,000	\$500	\$500	Whips and asst whips, \$500

**TABLE 4. ADDITIONAL COMPENSATION FOR SENATE LEADERS, 1999**

State	Presiding Officer	Majority Leader	Minority Leader	Other Leaders
Arizona	\$500	None.	None.	None.
Colorado	All leaders receive \$99/day during interim when in attendance at committee or leadership matters.			
New Mexico	None.	None.	None.	None.

## LEGISLATIVE MANAGEMENT

TABLE 4. ADDITIONAL COMPENSATION FOR SENATE LEADERS, 1999

Oklahoma	\$17,932	\$12,364	\$12,364	None.
Texas	None.	None.	None.	None.
Utah	\$1,000	\$500	\$500	Whips and asst whips, \$500

TABLE 5. ADDITIONAL COMPENSATION FOR COMMITTEE CHAIRS, 1999

State	Additional Compensation for Committee Chairs
Arizona	None.
Colorado	None.
New Mexico	None.
Oklahoma	\$12,364 for Appropriations and Budget Committee Chairs.
Texas	None.
Utah	None.

TABLE 6. STATE LEGISLATORS' TRAVEL ALLOWANCE, 1999

State	Mileage	Access to State Autos	Credit Card	Phone Card/ Phone Allowance
Arizona	30¢/mile on actual miles.	Access to motorpool for legislative trips only.	No.	No.
Colorado	20¢ or 24¢ if 4wd vehicle. Actual miles paid.	No.	No.	Yes. Official state business only.
New Mexico	32.5¢/mile tied to federal rate	No.	No.	No.
Oklahoma	32.5¢/mile tied to federal rate.	No.	No.	\$1,000 during interim.
Texas	28¢/mile set by General Appropriations bill; an allowance for single, twin and turbo engines from 40¢ to \$1/mile is also given.	No.	Members are eligible for American Express Cards for official use.	Official state business only. House members are limited to available balance in their monthly operating accounts.
Utah	31¢/mile, round trip from home to capital.	No.	No.	Yes. Legislative use only.

TABLE 7. CAPITOL OFFICE, DISTRICT OFFICE AND STAFFING ALLOWANCES, 1999

State	Allowances
Arizona	None.
Colorado	\$2,000/year.
New Mexico	None.

## LEGISLATIVE MANAGEMENT

TABLE 7. CAPITOL OFFICE, DISTRICT OFFICE AND STAFFING ALLOWANCES, 1999

Oklahoma	\$350/year for unvouchered office supplies plus seven rolls of stamps.
Texas	Senate: \$25,000/month for staff salaries. House:\$9,750/month for staff salaries, supplies, stationery, postage, district office rental, telephone expense, etc.
Utah	None.

TABLE 8. HEALTH, DENTAL AND OPTICAL INSURANCE BENEFITS FOR STATE LEGISLATORS, 1999

State	Health	Dental	Optical
Arizona	State pays a set amount, legislator pays remaining balance; depending on plan selected.	Optional at legislator's expense.	Optional at legislator's expense.
Colorado	State pays a portion, legislator pays a portion; amount differs according to plan selected.	State pays full amount. Dependents coverage at legislator's expense.	Not available.
New Mexico	Not available.	Not available.	Not available.
Oklahoma	State pays full amount.	State pays full amount.	Optional at legislator's expense,
Texas	State pays for legislator, legislator pays for dependent coverage.	Optional at legislator's expense.	Included in health coverage.
Utah	State pays full amount depending on plan chosen.	State pays full amount depending on plan chosen.	Optional at legislator's expense.

TABLE 9. DISABILITY AND LIFE INSURANCE BENEFITS FOR STATE LEGISLATORS, 1999

State	Disability Insurance	Same as State Employee Plan	Life Insurance	Same as State Employee Plan
Arizona	State pays portion and legislator pays portion for long-term disability; short-term disability available at legislator's expense.	Yes.	Legislator may opt to purchase up to 3 times additional life insurance above the standard \$10,000 base that all state employees receive.	Yes.
Colorado	Not available.	No.	State pays full amount for \$12,000 policy.	Yes.
New Mexico	Not available.	No.	Not available.	No.
Oklahoma	State pays full amount.	Yes. Same as management employees.	State pays full amount (\$20,000). For optional amounts above that, legislator pays.	Yes. Same as management employees.
Texas	Optional at legislator's expense.	Yes.	Optional at legislator's expense.	Yes.
Utah	Optional at legislator's expense.	Yes.	State pays full amount for basic coverage (\$18,000). Additional coverage optional at legislator's expense.	Yes.

TABLE 10. RETIREMENT BENEFITS FOR LEGISLATORS, 1999

## LEGISLATIVE MANAGEMENT

TABLE 10. RETIREMENT BENEFITS FOR LEGISLATORS, 1999

State	Participation	Same as State Employees	Minimum Age and Service Requirement	Contribution Rate
Arizona	Optional.	No.	Age 65 with 5+ years of service; or age 60 with 25+ years of service.	7%.
Colorado	Mandatory.	No.	Age 60 with 5 years of service.	8% of gross salary.
New Mexico	Optional.	No.	Age 65 with 5+ years of service; age 64 with 8+ years of service; age 63 with 12+ years of service; or any age with 14+ years of service.	\$100 per year for service after 1959.
Oklahoma	Optional.	No.	Age 60 with 6 years of service.	Optional contribution of 4.5%, 6%, 7.5%, 8.5%, 9% or 10%.
Texas	Optional.	No.	Age 60 with 8 years of service; or age 50 with 12 years.	8%
Utah	Mandatory.	No.	Age 65 with 4 years of service.	Non-contributory.

TABLE 11. RETIREMENT BENEFITS FOR LEGISLATORS, 1999

Estimated Monthly				
State	4 Years	12 Years	20 Years	Benefit Formula
Arizona	\$333.33/month.	\$1,000/month.	\$1,667/month.	4%/year of credited service x 3 year average; maximum is 30% of member's average yearly salary.
Colorado	Not yet vested.	\$350/month.	\$729/month.	2.5% x HAS x creditable service through 20 years plus 1.5% x HAS for 21 through 40 years. Maximum benefit = 80% of employee's HAS.
New Mexico	\$83.33/month.	\$250/month.	\$416.66/month.	\$250 x years of service (after 1959)
Oklahoma	\$426.68 at 10%.	\$1,280.04 at 10%.	\$2,133.40 at 10%.	Average participated salary x length of service x computation factor depending on optional contributions ranging from .019 to .040.
Texas	Not eligible.	\$2,288.25/month.	\$3,813.75/month.	2.25% x district judge's salary (currently \$8,475) x length of service.
Utah	Varies.	Varies.	Varies.	\$10/month x years of service; adjusted semi-annually according to consumer price index, limited to maximum of 4%.