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FISCAL IMPACT REPORT

SPONSOR Swisstack DATE TYPED 1/27/05 HB 408

SHORT TITLE Public Defender Department SB _____

ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$1,220.1			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Partially Duplicates Appropriation in the General Appropriation Act
Relates to HB 406

SOURCES OF INFORMATION

LFC Files
Public Defender Department

Response Received From
Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 408 appropriates \$1,220,100 from the general fund to the Public Defender Department for the purpose of providing parity salary adjustments for attorneys.

Significant Issues

The bill calls for salary increases for attorneys in the Public Defender Department to achieve pay parity at all attorney classifications with other state-employed attorneys including those employed by the executive branch, the Office of the Attorney General and the Administrative Office of the Courts. The following table summarizes the cost of pay parity with benefits for the public defenders.

Attorney Classification	Cost with Benefits
Public defender I and II (entry-level)	\$426.0
Public defender III (mid-level)	\$468.0
Public defender IV (mid-level)	\$284.0
Public defender V (advanced-level)	\$42.0
Total Cost for Public Defender Parity	\$1,220.0

FISCAL IMPLICATIONS

The appropriation of \$1,220,100 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

The LFC FY06 appropriation recommendation is balanced between revenues and expenditures and any increase in recurring funding must be offset by reductions in other areas of the recommendation. The Legislature must consider all priorities and funding requirements to find revenue to support this legislation.

RELATIONSHIP

House Bill 406 is an appropriation of \$2,602,200 to the Administrative Office of the District Attorneys for parity salary adjustments in the offices of the district attorneys.

ALTERNATIVES

During the interim, the LFC heard joint testimony from the district attorneys and the Public Defender Department regarding the agencies' challenges in recruiting and retaining attorneys. Subsequently, the LFC has recommended that \$154.6 thousand be appropriated to the Public Defender Department to administer a special 2 percent compensation increase for entry- and mid-level attorneys in addition to the increase appropriated for all state employees. The entry- and mid-level attorney positions, public defender I through public defender IV, are the positions with which the district attorney offices experience the most problems with recruitment and retention.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Staff attorneys in the Public Defender Department will continue to be compensated at the current levels.

DXM/yr