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FISCAL IMPACT REPORT

SPONSOR Park ORIGINAL DATE 1/28/07
LAST UPDATED 2/23/07 HB 489/aHAFC
SHORT TITLE Chief Judge Salary Formula Changes SB _____
ANALYST C.Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$71.3	\$71.3	\$142.6	N/A	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 490, Judge and Hearing Officer Salaries, and HB 488, Metro and Magistrate Judge Salary Formula.

Relates to: HB488, HB490

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HAFC Amendment

The House Appropriation and Finance Committee amendment strikes the appropriation.

Synopsis of Original Bill

House Bill 489 amends Section 34-1-9 NMSA 1978 to increase the annual salaries of the chief justice of the supreme court, the chief judge of the court of appeals, the chief judge of a district court, the chief judge of a metropolitan court and the presiding magistrate in a magistrate court consisting of three or more magistrates by five percent more than the annual salaries of the other justices, judges or magistrates in their respective courts.

The salary increases will be effective the first full pay period after July 1, 2007.

This bill appropriates \$71,261 from the general fund to the administrative office of the courts to provide for the salary differential of chief judges. Any unexpended or unencumbered balance remaining at the end of FY 08 shall revert to the general fund.

FISCAL IMPLICATIONS

This bill appropriates recurring funds in the amount of \$71,261 for increasing salaries for the chief justice of the Supreme Court, appellate, district and metropolitan court chief judges and certain presiding magistrates. This amount will increase in any year the Legislature raises judicial salaries.

The following chart sets for the proposed increase stipend for the chief judges, appellate, district, and metropolitan court chief judges and certain presiding magistrates.

		Current Salary	Effect on Current Salary	
	No.	Curr. Rate	New Rate	Total
Chief Justice	1	\$ 117,040	\$ 120,792	\$ 4,538
Chief Judge COA	1	\$ 111,188	\$ 114,752	\$ 4,311
Chief District Judge	13	\$ 105,629	\$ 109,015	\$ 53,243
Chief Metro Judge	1	95,066	\$98,113	\$ 3,686
Presiding Magistrate	2	71,299	\$73,585	\$ 5,483
Total	18			\$ 71,261

SIGNIFICANT ISSUES

The Legislature created the Judicial Compensation Commission, an independent six-member Commission charged with recommending to the Legislative Finance Committee and the Department of Finance and Administration a compensation and benefits plan for New Mexico judges.

The Commission reviewed the administrative duties and responsibilities of the chief justice of the Supreme Court, the chief judges of the court of appeals, district and metropolitan courts, and the presiding judges of certain magistrate courts pursuant to Rule 23-109. The Commission concluded that the current \$2,000 annual stipend does not adequately compensate those judges for performing those administrative duties.

On November 9, 2006, the Commission submitted its recommendation to DFA and LFC to raise the stipend for the chief justice of the Supreme Court, court of appeals, district and metropolitan court judges and certain presiding magistrate judges to five percent. This bill is consistent with the Judicial Compensation Commission's number two recommendation.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. It is unknown if enactment of this bill would impact performance measures as they relate to judicial budgeting.

RELATIONSHIP

HB 490, Judge and Hearing Officer Salaries, and HB 488, Metro and Magistrate Judge Salary Formula.

CS/mt