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HOUSE BILL 791

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Henry 'Kiki' Saavedra

AN ACT

RELATING TO JUDGES; AMENDING THE FORMULA FOR DETERMINING  
SALARIES OF METROPOLITAN AND MAGISTRATE COURT JUDGES; MAKING AN  
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 34-1-9 NMSA 1978 (being Laws 1993,  
Chapter 278, Section 1, as amended) is amended to read:

"34-1-9. SALARIES OF JUSTICES, JUDGES AND MAGISTRATES.--

A. Justices of the supreme court shall each  
receive an annual salary as provided by the legislature. The  
chief justice of the supreme court shall receive an annual  
salary that is two thousand dollars (\$2,000) more than the  
annual salary of a justice of the supreme court.

B. The chief judge of:

(1) the court of appeals shall receive an

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1 annual salary that is ninety-five percent of the annual salary  
2 of the chief justice of the supreme court;

3 (2) a district court shall receive an annual  
4 salary that is ninety-five percent of the annual salary of the  
5 chief judge of the court of appeals; and

6 (3) a metropolitan court shall receive an  
7 annual salary that is [~~ninety~~] ninety-five percent of the  
8 annual salary of the chief judge of a district court.

9 C. The presiding magistrate of a magistrate  
10 district where three or more divisions operate as a single  
11 court shall receive an annual salary that is seventy-five  
12 percent of the annual salary of the chief judge of a  
13 metropolitan court.

14 D. Notwithstanding any other provision of law or  
15 any other provision of this section, the annual salaries of the  
16 following judges and magistrates shall be established as  
17 follows:

18 (1) a judge of the court of appeals shall  
19 receive an annual salary that is ninety-five percent of the  
20 annual salary of a justice of the supreme court;

21 (2) a district court judge shall receive an  
22 annual salary that is ninety-five percent of the annual salary  
23 of a judge of the court of appeals;

24 (3) a metropolitan court judge shall receive  
25 an annual salary that is [~~ninety~~] ninety-five percent of the

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1 annual salary of a district court judge;

2 (4) a full-time magistrate shall receive an  
3 annual salary that is seventy-five percent of the annual salary  
4 of a metropolitan court judge;

5 (5) a half-time magistrate shall receive an  
6 annual salary that is fifty percent of the annual salary of a  
7 full-time magistrate; and

8 (6) a quarter-time magistrate shall receive an  
9 annual salary that is twenty-five percent of the annual salary  
10 of a full-time magistrate.

11 E. For fiscal year 1995 and all subsequent fiscal  
12 years, the annual salary for justices of the supreme court,  
13 judges of the court of appeals, district court judges,  
14 metropolitan court judges and magistrates shall be established  
15 by the legislature in an appropriations act.

16 F. No additional salaries shall be paid to  
17 justices, judges or magistrates on account of services rendered  
18 the state. Justices of the supreme court, judges of the court  
19 of appeals, district court judges, metropolitan court judges  
20 and magistrates shall receive per diem and mileage for  
21 necessary travel on official business of the court as provided  
22 in the Per Diem and Mileage Act."

23 Section 2. APPROPRIATION.--

24 A. Four hundred twenty-three thousand one hundred  
25 twenty-five dollars (\$423,125) is appropriated from the general  
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1 fund to the following agencies for expenditure in fiscal year  
2 2008 to pay the cost of increasing the percentage of judicial  
3 salaries pursuant to Section 34-1-9 NMSA 1978 in the following  
4 amounts:

5 (1) one hundred nineteen thousand four hundred  
6 five dollars (\$119,405) to the Bernalillo county metropolitan  
7 court for metropolitan judges' salaries; and

8 (2) three hundred three thousand seven hundred  
9 twenty dollars (\$303,720) to the administrative office of the  
10 courts for magistrate judges' salaries.

11 B. The salary increases shall be effective the  
12 first full pay period after July 1, 2007. Any unexpended or  
13 unencumbered balance remaining at the end of fiscal year 2008  
14 shall revert to the general fund.