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HOUSE BILL 204

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Joseph L. Sanchez and Tara L. Lujan

AN ACT

RELATING TO DISTRICT ATTORNEYS; PROVIDING THAT THE ANNUAL SALARIES FOR DISTRICT ATTORNEYS SHALL BE NINETY-FIVE PERCENT OF THE ANNUAL SALARY OF A JUDGE OF THE COURT OF APPEALS; PROVIDING FOR COVERED POSITIONS TO BE DEFINED BY THE NEW MEXICO DISTRICT ATTORNEY ASSOCIATION PERSONNEL AND COMPENSATION PLAN; REPEALING SECTIONS 36-1-1, 36-1-21 AND 36-1A-14 NMSA 1978 (BEING LAWS 1909, CHAPTER 22, SECTION 1, LAWS 1889, CHAPTER 56, SECTION 11 AND LAWS 1991, CHAPTER 175, SECTION 14, AS AMENDED).

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

SECTION 1. Section 36-1-6 NMSA 1978 (being Laws 1976 (S.S.), Chapter 18, Section 1, as amended) is amended to read:

"36-1-6. DISTRICT ATTORNEYS--SALARIES.--

A. ~~[For fiscal year 2000, district attorneys who serve in a district that does not include a class A county~~

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underscoring material = new
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1 ~~within the district shall receive an annual salary of seventy-~~
2 ~~four thousand four hundred eighty one dollars (\$74,481) and~~
3 ~~district attorneys who serve in a district that includes a~~
4 ~~class A county within the district shall receive an annual~~
5 ~~salary of seventy-eight thousand four hundred one dollars~~
6 ~~(\$78,401)]~~ District attorneys shall receive an annual salary
7 that is ninety-five percent of the annual salary of a judge of
8 the court of appeals.

9 B. ~~[For fiscal year 2001 and all subsequent fiscal~~
10 ~~years, the annual salary for district attorneys shall be~~
11 ~~established by the legislature in an appropriations act]~~ No
12 additional salaries shall be paid to a district attorney on
13 account of services rendered to the state. District attorneys
14 shall receive per diem and mileage for necessary travel on
15 official business as provided in the Per Diem and Mileage Act.

16 C. The annual salary for district attorneys shall
17 be appropriated by the legislature in an appropriations act."

18 SECTION 2. Section 36-1A-3 NMSA 1978 (being Laws 1991,
19 Chapter 175, Section 3) is amended to read:

20 "36-1A-3. DEFINITIONS.--As used in the District Attorney
21 Personnel and Compensation Act:

22 A. "appeal" means a formal request for a full
23 hearing before the board or authorized hearing officer to
24 review a disciplinary action solely involving suspension,
25 demotion or termination of a covered employee in a district

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1 attorney's office;

2 B. "board" means the district attorney personnel
3 review board;

4 C. "class specification" means a written statement
5 of the duties and responsibilities characteristic of a class of
6 positions and includes the class title, supervision exercised
7 and received, guidelines available, examples of work performed,
8 working conditions and minimum qualifications or substitutions
9 thereof that specify education, training, health, experience,
10 knowledge, abilities and skills required for a position;

11 D. "classification series" means a group of class
12 specifications or employment positions similar enough in powers
13 and responsibilities that they can be covered by similar
14 qualifications and titles. A classification series may consist
15 of many levels, starting with the entry level position and
16 advancing upward in duties, complexity, authority and
17 responsibility;

18 E. "compensation plan" means a plan that
19 establishes for each class in the plan a salary range that
20 consists of at least minimum and maximum salaries, as
21 authorized by the legislature;

22 F. "covered employee" means a person in a full-time
23 or part-time covered position who has successfully completed
24 the probationary period and is covered by all provisions of the
25 District Attorney Personnel and Compensation Act;

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underscoring material = new
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1 G. "covered position" means any position within a
2 district attorney's office except [~~the positions of district~~
3 ~~attorney, attorney, district office manager and special program~~
4 ~~director~~] those at-will positions as established in the New
5 Mexico district attorney association personnel and compensation
6 plan;

7 H. "disciplinary action" means a suspension,
8 demotion or dismissal of a covered employee;

9 I. "district attorneys" means the [~~present~~] current
10 fourteen duly elected district attorneys, or a substitute
11 appointee for one of them, plus any additional elected district
12 attorneys or future appointees created after the effective date
13 of the District Attorney Personnel and Compensation Act;

14 J. "employee" means a person in a full-time or
15 part-time position in a district attorney's office, but shall
16 not be construed to include district attorneys;

17 K. "performance evaluation" means the written
18 appraisal of an employee's performance of assigned duties;

19 L. "position" means any position in a district
20 attorney's office; and

21 M. "probationary employee" means a person who is
22 appointed to a covered position but who has not yet completed
23 the probationary period."

24 **SECTION 3.** Section 36-1A-4 NMSA 1978 (being Laws 1991,
25 Chapter 175, Section 4) is amended to read:

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1 "36-1A-4. COVERAGE OF SERVICE--EXEMPTIONS.--

2 A. The District Attorney Personnel and Compensation
3 Act shall cover all employees; ~~[except only covered]~~ however,
4 at-will employees shall not be entitled to utilize grievance
5 procedures and the appeals provisions in Section ~~[9 of the~~
6 ~~District Attorney Personnel and Compensation Act]~~ 36-1A-9 NMSA
7 1978.

8 B. ~~[The positions of attorney, district office~~
9 ~~manager and special program director are "at will" positions~~
10 ~~that]~~ "At-will" positions shall be defined in the New Mexico
11 district attorney association personnel and compensation plan.
12 "At-will" positions shall serve at the pleasure of the district
13 attorney."

14 SECTION 4. Section 36-1A-5 NMSA 1978 (being Laws 1991,
15 Chapter 175, Section 5) is amended to read:

16 "36-1A-5. PERSONNEL BOARD--APPOINTMENT.--There is created
17 the "district attorney personnel review board". The board
18 shall consist of five district attorneys, including a
19 president, vice president, secretary-treasurer and two voting
20 members, all elected ~~[annually]~~ every two years by the district
21 attorneys."

22 SECTION 5. REPEAL.--Sections 36-1-1, 36-1-21 and 36-1A-14
23 NMSA 1978 (being Laws 1909, Chapter 22, Section 1, Laws 1889,
24 Chapter 56, Section 11 and Laws 1991, Chapter 175, Section 14,
25 as amended) are repealed.

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