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SENATE BILL 391

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO JUDICIAL SALARIES; PROVIDING FOR INCREASES IN PAY
BASED ON LENGTH OF SERVICE FOR JUSTICES, JUDGES AND MAGISTRATES
IN SEVEN-YEAR RETENTION TIERS; MAKING APPROPRIATIONS.

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

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-five percent of the annual salary
8 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-five percent of the annual

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1 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. Retention salary tiers shall be established for
17 justices of the supreme court and judges of the court of
18 appeals, district courts, metropolitan courts and magistrate
19 courts based on judicial service as of July 1, 2013, as
20 follows:

21 (1) if the justice or judge has served on the
22 bench for seven to fourteen years, the justice or judge shall
23 receive a five percent retention increase to the justice's or
24 judge's base salary as determined in Subsection A, B, C or D of
25 this section;

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1 (2) if the justice or judge has served on the
2 bench for fourteen to twenty-one years, the justice or judge
3 shall receive a ten percent retention increase to the justice's
4 or judge's base salary as determined in Subsection A, B, C or D
5 of this section; and

6 (3) if the justice or judge has served on the
7 bench for over twenty-one years, the justice or judge shall
8 receive a fifteen percent retention increase to the justice's
9 or judge's base salary as determined in Subsection A, B, C or D
10 of this section.

11 G. Retention salary increases shall not offset any
12 other salary increases provided for justices and judges as part
13 of annual compensation increases for the judiciary or state
14 government.

15 H. The administrative office of the courts shall
16 adopt rules regarding the establishment of retention salary
17 tiers pursuant to this section.

18 ~~[F.]~~ I. No additional salaries shall be paid to
19 justices, judges or magistrates on account of services rendered
20 the state except as provided in Subsection F of this section.
21 Justices of the supreme court, judges of the court of appeals,
22 district court judges, metropolitan court judges and
23 magistrates shall receive per diem and mileage for necessary
24 travel on official business of the court as provided in the Per
25 Diem and Mileage Act."

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SECTION 2. APPROPRIATION.--Seven hundred thirty-three thousand one hundred seventy-eight dollars (\$733,178) is appropriated from the general fund to the administrative office of the courts for expenditure in fiscal year 2014 to provide for seven-year retention raises for justices of the supreme court and judges of the court of appeals, district courts, metropolitan courts and magistrate courts pursuant to Section 34-1-9 NMSA 1978. The salary increase pursuant to this section shall be effective the first full pay period after July 1, 2013. Any unexpended or unencumbered balance remaining at the end of fiscal year 2014 shall revert to the general fund.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.