

HOUSE BILL 469

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Rod Montoya and T. Ryan Lane and Greg Nibert

AN ACT

RELATING TO DISTRICT ATTORNEYS; PROVIDING THAT THE ANNUAL SALARIES FOR DISTRICT ATTORNEYS SHALL BE ESTABLISHED BY THE LEGISLATURE; 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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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).~~

7 ~~B. For fiscal year 2001 and all subsequent fiscal~~
8 ~~years]~~ The annual salary for district attorneys shall be
9 established by the legislature in an appropriations act."

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

12 "36-1A-3. DEFINITIONS.--As used in the District Attorney
13 Personnel and Compensation Act:

14 A. "appeal" means a formal request for a full
15 hearing before the board or authorized hearing officer to
16 review a disciplinary action solely involving suspension,
17 demotion or termination of a covered employee in a district
18 attorney's office;

19 B. "board" means the district attorney personnel
20 review board;

21 C. "class specification" means a written statement
22 of the duties and responsibilities characteristic of a class of
23 positions and includes the class title, supervision exercised
24 and received, guidelines available, examples of work performed,
25 working conditions and minimum qualifications or substitutions

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1 thereof that specify education, training, health, experience,
2 knowledge, abilities and skills required for a position;

3 D. "classification series" means a group of class
4 specifications or employment positions similar enough in powers
5 and responsibilities that they can be covered by similar
6 qualifications and titles. A classification series may consist
7 of many levels, starting with the entry level position and
8 advancing upward in duties, complexity, authority and
9 responsibility;

10 E. "compensation plan" means a plan that
11 establishes for each class in the plan a salary range that
12 consists of at least minimum and maximum salaries, as
13 authorized by the legislature;

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

18 G. "covered position" means any position within a
19 district attorney's office except [~~the positions of district~~
20 ~~attorney, attorney, district office manager and special program~~
21 ~~director~~] those at will positions in the New Mexico district
22 attorney association personnel and compensation plan;

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

25 I. "district attorneys" means the [~~present~~] current

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1 fourteen duly elected district attorneys, or a substitute
2 appointee for one of them, plus any additional elected district
3 attorneys or future appointees created after the effective date
4 of the District Attorney Personnel and Compensation Act;

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

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

10 L. "position" means any position in a district
11 attorney's office; and

12 M. "probationary employee" means a person who is
13 appointed to a covered position but who has not yet completed
14 the probationary period."

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

17 "36-1A-4. COVERAGE OF SERVICE--EXEMPTIONS.--

18 A. The District Attorney Personnel and Compensation
19 Act shall cover all employees; ~~[except only covered]~~ however,
20 at will employees shall not be entitled to utilize grievance
21 procedures and the appeals provisions in Section ~~[9 of the~~
22 ~~District Attorney Personnel and Compensation Act]~~ 36-1A-9 NMSA
23 1978.

24 B. ~~[The positions of attorney, district office~~
25 ~~manager and special program director are "at will" positions~~

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1 ~~that~~] "At will" positions shall be defined in the New Mexico
2 district attorney association personnel and compensation plan.
3 "At will" positions shall serve at the pleasure of the district
4 attorney."

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

7 "36-1A-5. PERSONNEL BOARD--APPOINTMENT.--There is created
8 the "district attorney personnel review board". The board
9 shall consist of five district attorneys, including a
10 president, vice president, secretary-treasurer and two voting
11 members, all elected [~~annually~~] every two years by the district
12 attorneys."

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