

HOUSE BILL 135

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO COURTS; PROVIDING FOR ADDITIONAL JUDGESHIPS IN THE  
THIRD AND ELEVENTH DISTRICT COURTS; MAKING AN APPROPRIATION;  
DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 34-6-6 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be  
[~~eight~~] nine district judges in the third judicial district."

**SECTION 2.** Section 34-6-14 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 17, as amended) is amended to read:

"34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There  
shall be [~~eight~~] nine district judges in the eleventh judicial  
district. The judges of divisions one, three, four, six [~~and~~],  
eight and nine shall reside and maintain their principal

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1 offices in San Juan county. The judges of divisions two, five  
2 and seven shall reside and maintain their principal offices in  
3 McKinley county."

4 SECTION 3. A new section of Chapter 34, Article 6 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] DISTRICT WATER COURTS.--

7 A. A district water court shall be established in  
8 each of Dona Ana and San Juan counties.

9 B. The district water court shall be a civil court  
10 that shall hear all cases relating to water and other civil  
11 cases as well. The water court shall give priority to water  
12 cases.

13 C. District water judges shall be nominated and  
14 appointed in the same manner as other district judges and shall  
15 be subject to elections by voters in the county, as provided in  
16 Article 6 of the constitution of New Mexico. Current and  
17 former district judges may apply for appointment to the  
18 district water court. Persons residing outside of the county  
19 may apply for appointment on the condition that they reside in  
20 the county immediately upon appointment.

21 D. Upon taking office, a district water judge shall  
22 be expected to devote substantial time to the study of water  
23 law and other water-related subjects, especially as related to  
24 the arid western regions of the United States. District water  
25 judges are encouraged to confer and consult with other district

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1 water judges about issues of water law.

2 E. A district water judge shall not permit ex parte  
3 communications, but a district water judge may hold informal  
4 discussion and planning sessions open to all parties, members  
5 of the public and government agencies, with appropriate advance  
6 notice to the public.

7 F. District water judges shall not be subject to a  
8 peremptory challenge pursuant to Section 38-3-9 NMSA 1978 or  
9 Rule 1-088.1 NMRA in water cases. In water cases, district  
10 water judges shall not be subject to excusal for cause on the  
11 grounds that they consume water or have water rights or an  
12 interest in property within the county. A district water judge  
13 may request a special master, a water judge from another  
14 district or a judge appointed by the supreme court to hear  
15 particular matters where the district water judge might be  
16 perceived to have a significant conflict of interest. In other  
17 civil cases, a judge shall be subject to excusal pursuant to  
18 Section 38-3-9 NMSA 1978 or Rule 1-088.1 NMRA."

19 **SECTION 4. APPROPRIATION.**--Nine hundred thousand dollars  
20 (\$900,000) is appropriated from the general fund to the  
21 administrative office of the courts for expenditure in fiscal  
22 year 2015 and subsequent fiscal years to add two new judgeships  
23 for district water courts, one in Dona Ana county and one in  
24 San Juan county. Any unexpended or unencumbered balance  
25 remaining at the end of a fiscal year shall not revert to the

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1 general fund.

2 SECTION 5. EMERGENCY.--It is necessary for the public  
3 peace, health and safety that this act take effect immediately.

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