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HOUSE BILL 77

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

HENRY KIKI SAAVEDRA

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIIPS IN THE
BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL
JUDGESHIIPS IN THE MAGISTRATE COURTS; AMENDING SECTIONS OF THE
NMSA 1978; MAKING APPROPRIATIONS.

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

Section 1. Section 34-8A-8 NMSA 1978 (being Laws 1979,
Chapter 346, Section 8, as amended) is amended to read:

"34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

A. The name of the metropolitan court in the
Bernalillo metropolitan district shall be the "Bernalillo
county metropolitan court".

B. The metropolitan court is an agency of the
judicial department of state government. Personnel of the
metropolitan court are subject to all laws and regulations

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1 applicable to state officers and agencies and state officers
2 and employees, except where otherwise specifically provided by
3 law.

4 C. There shall be nineteen judges of the
5 Bernalillo county metropolitan court. "

6 Section 2. Section 35-1-6 NMSA 1978 (being Laws 1968,
7 Chapter 62, Section 8, as amended) is amended to read:

8 "35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--There shall
9 be [~~two~~] three magistrates in Chaves magistrate district,
10 divisions 1, [~~and~~] 2 and 3 operating as a single court in
11 Roswell. "

12 Section 3. Section 35-1-10 NMSA 1978 (being Laws 1968,
13 Chapter 62, Section 12, as amended) is amended to read:

14 "35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There
15 shall be [~~three~~] five magistrates in Dona Ana magistrate
16 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
17 court in Las Cruces [~~The magistrates shall rotate riding~~
18 ~~circuit to Anthony and Hatch on a regularly scheduled basis]~~
19 and division 5 in Anthony. The division 1, 2, 3 and 4
20 magistrates shall rotate riding circuit to Hatch on a
21 regularly scheduled basis. "

22 Section 4. Section 35-1-26 NMSA 1978 (being Laws 1968,
23 Chapter 62, Section 28) is amended to read:

24 "35-1-26. MAGISTRATE COURT--SANDOVAL DISTRICT.--There
25 shall be [~~two~~] three magistrates in Sandoval magistrate

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1 district, [~~division 1~~] divisions 1 and 3 in Bernalillo and
2 division 2 in Cuba. "

3 Section 5. Section 35-1-27 NMSA 1978 (being Laws 1968,
4 Chapter 62, Section 29, as amended) is amended to read:

5 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT.--There
6 shall be [~~three~~] four magistrates in San Juan magistrate
7 district, division 1 in Aztec and divisions 2, [~~and~~] 3 and 4
8 operating as a single court in Farmington. The division 4
9 magistrate shall ride circuit to Aztec as needed. "

10 Section 6. Section 35-1-29 NMSA 1978 (being Laws 1968,
11 Chapter 62, Section 31, as amended) is amended to read:

12 "35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There
13 shall be [~~three~~] four magistrates in Santa Fe magistrate
14 district, divisions 1, 2, [~~and~~] 3 and 4 operating as a single
15 court in Santa Fe. [~~however~~] One magistrate shall ride circuit
16 to Pojoaque on a regularly scheduled basis. "

17 Section 7. TEMPORARY PROVISION--BERNALILLO COUNTY
18 METROPOLITAN COURT--ELECTION--DRUG COURT--TRAFFIC COURT.--

19 A. The additional judges provided for the
20 Bernalillo county metropolitan court in this act shall be
21 appointed by the governor pursuant to Article 6 of the
22 constitution of New Mexico, and the term of office for those
23 judges shall begin on January 1, 1999.

24 B. Two of the additional judges provided for the
25 Bernalillo county metropolitan court in this act shall preside

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1 over the operation of drug courts.

2 C. Two of the additional judges provided for the
3 Bernalillo county metropolitan court in this act shall preside
4 over the operation of traffic courts.

5 Section 8. TEMPORARY PROVISION--MAGISTRATES--ELECTION.--
6 The additional magistrate judges provided for in this act
7 shall be appointed by the governor, and the term of office for
8 those magistrate judges shall begin on January 1, 1999.

9 Section 9. APPROPRIATIONS.--

10 A. The following amounts are appropriated from the
11 general fund to the following entities for expenditure in
12 fiscal year 1999 for the specified purposes:

13 (1) four hundred ninety-one thousand five
14 hundred sixteen dollars (\$491,516) to the Bernalillo county
15 metropolitan court for the purpose of paying salaries and
16 benefits and providing furniture, equipment and supplies for
17 four judges and support staff;

18 (2) forty-two thousand two hundred twenty-
19 eight dollars (\$42,228) to the administrative office of the
20 courts for the purpose of paying salaries and benefits and
21 providing furniture, equipment and supplies for one magistrate
22 judge in the Chaves magistrate district;

23 (3) eighty-four thousand four hundred fifty-
24 six dollars (\$84,456) to the administrative office of the
25 courts for the purpose of paying salaries and benefits and

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1 providing furniture, equipment and supplies for two magistrate
2 judges in the Dona Ana magistrate district;

3 (4) forty-two thousand two hundred twenty-
4 eight dollars (\$42,228) to the administrative office of the
5 courts for the purpose of paying salaries and benefits and
6 providing furniture, equipment and supplies for one magistrate
7 judge in the Sandoval magistrate district;

8 (5) forty-two thousand two hundred twenty-
9 eight dollars (\$42,228) to the administrative office of the
10 courts for the purpose of paying salaries and benefits and
11 providing furniture, equipment and supplies for one magistrate
12 judge in the San Juan magistrate district; and

13 (6) forty-two thousand two hundred twenty-
14 eight dollars (\$42,228) to the administrative office of the
15 courts for the purpose of paying salaries and benefits and
16 providing furniture, equipment and supplies for one magistrate
17 judge in the Santa Fe magistrate district.

18 B. Any unexpended or unencumbered balance
19 remaining at the end of fiscal year 1999 shall revert to the
20 general fund.

21 Section 10. EFFECTIVE DATE. --The effective date of the
22 provisions of this act is January 1, 1999.

1 **FORTY-THIRD LEGISLATURE**
2 **SECOND SESSION, 1998**
3
4
5

6 **January 26, 1998**
7

8 **Mr. Speaker:**
9

10 **Your JUDICIARY COMMITTEE, to whom has been referred**
11

12 **HOUSE BILL 77**
13

14 **has had it under consideration and reports same with**
15 **recommendation that it DO PASS, and thence referred to the**
16 **APPROPRIATIONS AND FINANCE COMMITTEE.**

17 **Respectfully submitted,**
18

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22 **Thomas P. Foy, Chairman**
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 7

4 Adopted _____ Not Adopted _____

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6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Alwin, Carpenter, Sanchez

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 5, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 77

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. On page 1, line 11, after the semicolon insert
17 "AUTHORIZING AN EXCEPTION TO SUSPENSION OF RETIREMENT
18 BENEFITS FOR MAGISTRATES;".

19 2. On page 1, between lines 16 and 17, insert the
20 following new section:

21
22 "Section 1. Section 10-12C-16 NMSA 1978 (being Laws 1992,
23 Chapter 118, Section 16) is amended to read:

24 "10-12C-16. SUSPENSION OR FORFEITURE OF
25 BENEFITS- - EXCEPTION. - -

. 120906. 2

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HAFB/HB77, a

Page 9

4 A. If a member retires and is subsequently employed
5 by any employer covered by any state system or the educational
6 retirement system, the retired member's pension shall be
7 suspended effective the first day of the month following the
8 month in which the subsequent employment begins. The
9 suspended pension of a previously retired member shall resume
10 and be effective the first day of the month following the
11 month in which the member leaves office or terminates the
12 subsequent employment.

13 B. The right to receive a pension pursuant to the
14 provisions of the Magistrate Retirement Act shall be forfeited
15 if the member is removed from office pursuant to the
16 provisions of Article 6, Section 32 of the constitution of New
17 Mexico, and the member's only entitlement from the fund shall
18 be the refund of the member's own contributions.

19 C. The provisions of Subsection A of this section do
20 not apply to a retired member who is elected to serve as an
21 elected public official if the retired member files an
22 irrevocable exemption from membership in any other state
23 retirement system. The retired member shall file the
24 irrevocable exemption with the association within thirty days
25 of beginning his duties as an elected public official. The
filing of an irrevocable exemption from membership in any

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

3 HARC/HB77, a

Page 10

4 other state retirement system bars the retired member from
5 acquiring service credit for his service as an elected public
6 official.".

8 3. Renumber the succeeding sections accordingly..

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10 Respectfully submitted,

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13 _____
14 Max Coll, Chairman

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17 Adopted _____ Not Adopted _____
18 (Chief Clerk) (Chief Clerk)

19 Date _____
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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

3 HARC/HB77, a

Page 11

4 The roll call vote was 16 For 0 Against

5 Yes: 16

6 Excused: Garcia, Watchman

7 Absent: None

10 122302.1

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HAF/ HB77, a

Page 12

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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February 11, 1998

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 77, as amended

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14

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
FINANCE COMMITTEE.

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Respectfully submitted,

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Fernando R. Macias, Chairman

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. 120906. 2

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HAF/ HB77, a

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: 0

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Excused: Sanchez, Vernon

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Absent: None

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. 120906. 2

Underscored material = new
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

HB 77/a

3
4 February 15, 1998

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6 Mr. President:

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8 Your FINANCE COMMITTEE, to whom has been referred

9 HOUSE BILL 77, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On pages 2 and 3, strike Section 4 in its entirety and
15 renumber the succeeding sections accordingly.

16
17 2. On page 3, between lines 16 and 17, insert a new Section
18 7 to read:

19 "Section 7. Section 35-1-30 NMSA 1978 (being Laws 1968,
20 Chapter 62, Section 32) is amended to read:

21
22 "35-1-30. MAGISTRATE COURT--SIERRA DISTRICT.--There shall be
23 [~~one magistrate~~] two magistrates in Sierra magistrate district
24 with a court in Truth or Consequences. "".

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. 120906. 2

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SFC/HB 77

Page 15

3. Renumber succeeding sections accordingly.

4. On page 5, line 7, strike "Sandoval" and insert in lieu thereof "Sierra".

Respectfully submitted,

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SFC/HB 77

Page 16

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Campos, Carraro, Eisenstadt, McKibben

Absent: None

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Underscored material = new
[bracketed material] = delete