

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 291

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE
SECOND, FOURTH AND SIXTH JUDICIAL DISTRICTS AND IN THE SAN JUAN
MAGISTRATE DISTRICT; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-5 NMSA 1978 (being Laws 1968,
Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall
be [~~twenty-four~~] twenty-six district judges in the second
judicial district."

Section 2. Section 34-6-7 NMSA 1978 (being Laws 1968,
Chapter 69, Section 10, as amended) is amended to read:

"34-6-7. JUDGES--FOURTH JUDICIAL DISTRICT.--There shall
be [~~two~~] three district judges in the fourth judicial
district."

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1 Section 3. Section 34-6-9 NMSA 1978 (being Laws 1968,
2 Chapter 69, Section 12, as amended) is amended to read:

3 "34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall be
4 [~~three~~] four district judges in the sixth judicial district.
5 The judge of division 1 shall reside and maintain [~~his~~] the
6 judge's principal office in Grant county. The judge of
7 division 4 shall reside and maintain the judge's principal
8 office in Luna county."

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

11 "35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT ELECTION
12 DIVISION PRECINCTS.--

13 A. There shall be [~~five~~] six magistrate divisions
14 in San Juan magistrate district, each division having its own
15 magistrate. Divisions 1, [~~and~~] 4 and 6 shall operate as a
16 single court in Aztec and divisions 2, 3 and 5 shall operate as
17 a single court in Farmington.

18 B. Magistrate judges shall not be elected at large
19 from the district, but shall be elected by the voters of the
20 division for which the magistrate sits. Magistrate judges may
21 reside anywhere within the magistrate district and shall have
22 district-wide jurisdiction. The composition of the divisions
23 for elections purposes is:

24 (1) division 1 is composed of San Juan county
25 precincts 41, 46, 47, 60 through 67, 69 and 72 [~~through 76~~];

1 (2) division 2 is composed of San Juan county
 2 precincts [2] 1 through 4, 8 through 14 [~~18~~], 19 and 82;

3 (3) division 3 is composed of San Juan county
 4 precincts 20, 22 through 25, 27, 28, 30, 40, 42 through 44 [~~46,~~
 5 ~~47~~] and 49;

6 (4) division 4 is composed of San Juan county
 7 precincts [~~1~~] 5 through 7, 15, 16, 53, 57, [~~58~~] 71, 79, 81 and
 8 83 through 86; [~~and~~]

9 (5) division 5 is composed of San Juan county
 10 precincts 18, 21, 26, [~~28~~] 29, 31, 45, 51, 52 and 54 [~~through~~
 11 ~~56, 59 and 70~~]; and

12 (6) division 6 is composed of San Juan county
 13 precincts 55, 56, 58, 59, 68, 70 and 73 through 76."

14 Section 5. TEMPORARY PROVISION--DISTRICT JUDGES--
 15 APPOINTMENTS.--The additional district judgeships provided for
 16 in this act shall be filled by appointment by the governor
 17 pursuant to the provisions of Article 6 of the constitution of
 18 New Mexico.

19 Section 6. TEMPORARY PROVISION--MAGISTRATE COURT--
 20 APPOINTMENT AND ELECTION.--The office of magistrate in San Juan
 21 division 6 shall be filled by appointment by the governor to
 22 begin serving on July 1, 2007. The appointed magistrate shall
 23 serve until succeeded by a magistrate elected at the general
 24 election in 2008. The first full term of office of the elected
 25 magistrate shall begin on January 1, 2009.

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1 Section 7. APPROPRIATIONS.--

2 A. The following amounts are appropriated from the
3 general fund to the following agencies for expenditure in
4 fiscal year 2008 for the following purposes:

5 (1) six hundred sixty-two thousand four
6 hundred seventy-eight dollars (\$662,478) to the second judicial
7 district court for salaries and benefits and furniture,
8 supplies and equipment for two additional district judges and
9 support staff;

10 (2) one hundred eighty-one thousand seven
11 hundred dollars (\$181,700) to the fourth judicial district
12 court for salaries and benefits and furniture, supplies and
13 equipment for one additional district judge and support staff;

14 (3) three hundred thirty-one thousand two
15 hundred thirty-nine dollars (\$331,239) to the sixth judicial
16 district court for salaries and benefits and furniture,
17 supplies and equipment for one additional district judge and
18 support staff; and

19 (4) one hundred twelve thousand six hundred
20 fifty-four dollars (\$112,654) to the administrative office of
21 the courts for salary and benefits and furniture, supplies and
22 equipment for one additional magistrate judge in the San Juan
23 magistrate district.

24 B. Any unexpended or unencumbered balance remaining
25 at the end of fiscal year 2008 shall revert to the general

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1 fund.

2 Section 8. APPROPRIATIONS.--

3 A. The following amounts are appropriated from the
4 general fund to the following entities for expenditure in
5 fiscal year 2008 for the following purposes:

6 (1) two hundred eighty-two thousand dollars
7 (\$282,000) to the second judicial district attorney to provide
8 salaries and benefits, furniture, supplies and equipment for
9 additional staff due to an increased district court workload;

10 (2) one hundred seventy-five thousand five
11 hundred dollars (\$175,500) to the public defender department to
12 provide salaries and benefits, furniture, supplies and
13 equipment for additional staff due to an increased workload in
14 the second judicial district and for contractual services in
15 that district;

16 (3) one hundred forty-one thousand one hundred
17 dollars (\$141,100) to the fourth judicial district attorney to
18 provide salaries and benefits, furniture, supplies and
19 equipment for additional staff due to an increased district
20 court workload;

21 (4) fifty thousand dollars (\$50,000) to the
22 public defender department for contractual services due to an
23 increased workload in the fourth judicial district;

24 (5) one hundred forty-one thousand one hundred
25 dollars (\$141,100) to the sixth judicial district attorney to

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1 provide salaries and benefits, furniture, supplies and
2 equipment for additional staff due to an increased district
3 court workload;

4 (6) seventy-five thousand dollars (\$75,000) to
5 the public defender department for contractual services due to
6 an increased workload in the sixth judicial district;

7 (7) one hundred thousand dollars (\$100,000) to
8 the eleventh judicial district attorney to provide salaries and
9 benefits, furniture, supplies and equipment for additional
10 staff due to an increased workload in the San Juan county
11 magistrate court; and

12 (8) one hundred eight thousand dollars
13 (\$108,000) to the public defender department to provide
14 salaries and benefits, furniture, supplies and equipment for
15 additional staff due to an increased workload in the San Juan
16 county magistrate court and for contractual services to address
17 the increased workload in that court.

18 B. Any unexpended or unencumbered balance remaining
19 at the end of fiscal year 2008 shall revert to the general
20 fund.

21 Section 9. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2007.