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SENATE BILL 106

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Tim Eichenberg

FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; REQUIRING DEPARTMENTS TO
PROVIDE ADMINISTRATIVE AND CLERICAL SERVICES TO
ADMINISTRATIVELY ATTACHED AGENCIES; CHANGING THE PUBLIC
DEFENDER DEPARTMENT FROM AN ADMINISTRATIVELY ATTACHED AGENCY TO
AN ADJUNCT AGENCY.

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

SECTION 1. Section 9-1-7 NMSA 1978 (being Laws 1977,
Chapter 248, Section 7) is amended to read:

"9-1-7. ADMINISTRATIVELY ATTACHED AGENCY--RELATIONSHIPS.--

A. An agency attached to a department for
administrative purposes [~~only~~] shall:

(1) exercise its functions independently of
the department [~~and without approval or control of the
department~~];

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1 (2) submit its budgetary requests through the
2 department; and

3 (3) submit reports required of it by law or by
4 the governor through the department.

5 B. The department to which an agency is attached
6 for administrative purposes [~~only~~] shall:

7 (1) provide [~~if mutually agreed~~] the
8 budgeting, recordkeeping and related administrative and
9 clerical assistance to the agency; and

10 (2) include the agency's budgetary requests
11 [~~as submitted and without changes~~] in the departmental budget.

12 C. Unless otherwise provided by law, the agency
13 shall hire its own professional or technical personnel in
14 accordance with the Personnel Act."

15 SECTION 2. Section 9-3-11 NMSA 1978 (being Laws 1977,
16 Chapter 257, Section 12) is amended to read:

17 "9-3-11. ADMINISTRATIVE ATTACHMENT.--[A.] The [~~following~~
18 ~~entities are~~] parole board is administratively attached to the
19 corrections department.

20 [~~(1) the adult parole board;~~

21 ~~(2) the governor's organized crime prevention~~
22 ~~commission; and~~

23 ~~(3) the public defender department.~~

24 B. ~~All powers and duties vested in the entities~~
25 ~~enumerated in this section shall remain unamended by the~~

underscored material = new
[bracketed material] = delete

1 ~~provisions of the Criminal Justice Department Act.]"~~

2 SECTION 3. Section 31-15-5 NMSA 1978 (being Laws 1978,
3 Chapter 14, Section 1) is amended to read:

4 "31-15-5. PUBLIC DEFENDER DEPARTMENT--CREATION--
5 ADMINISTRATION--FINANCE.--

6 A. There is created the "public defender
7 department". The headquarters of the department shall be
8 maintained at Santa Fe. The chief shall be the administrative
9 head of the department. [~~The department is administratively~~
10 ~~attached to the criminal justice department.~~]

11 B. All salaries and other expenses of the
12 department shall be paid by warrants of the secretary of
13 finance and administration, supported by vouchers signed by the
14 chief or [~~his~~] the chief's authorized representative and in
15 accordance with budgets approved by the state budget division
16 of the department of finance and administration."