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HOUSE BILL 277

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

HENRY KIKI SAAVEDRA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO COURTS; ESTABLISHING A DRUG COURT IN THE SECOND JUDICIAL DISTRICT; PROVIDING FOR ONE ADDITIONAL JUDGE IN THE SECOND JUDICIAL DISTRICT; PROVIDING FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND PUBLIC DEFENDERS; AMENDING A SECTION OF THE NMSA 1978; MAKING AN APPROPRIATION.

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-one~~] twenty-two district judges in the second judicial district. "

Section 2. TEMPORARY PROVISION--DRUG COURT.--The additional judge provided for in Section 1 of this act shall preside over the operation of a drug court.

Underscored material = new
[bracketed material] = delete

1 Section 3. TEMPORARY PROVISION-- APPOINTMENT. -- The
2 additional judgeship provided for in Section 1 of this act shall
3 be filled by the governor pursuant to Article 6, Section 36 of
4 the constitution of New Mexico.

5 Section 4. APPROPRIATION. --

6 A. Three hundred eighty-nine thousand two hundred
7 dollars (\$389,200) is appropriated from the general fund to the
8 following entities in the following amounts for expenditure in
9 fiscal year 1998 for the purpose of establishing a drug court in
10 the second judicial district:

11 (1) one hundred ninety thousand nine hundred
12 dollars (\$190,900) to the second judicial district to pay a
13 district court judge's salary and benefits and provide support
14 staff for that judge;

15 (2) one hundred one thousand three hundred
16 dollars (\$101,300) to the district attorney's office for the
17 second judicial district to pay for salaries and benefits for
18 two assistant district attorneys; and

19 (3) ninety-seven thousand dollars (\$97,000) to
20 the public defender department to pay for salaries and benefits
21 for two public defenders.

22 B. Any unexpended or unencumbered balance remaining
23 at the end of fiscal year 1998 shall revert to the general fund.

24 Section 5. EFFECTIVE DATE. -- The effective date of the
25 provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 7, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 277

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

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: King, Luna, Rios, Sanchez

Absent: None

M \H0277

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILLS 277, 175aa, 587aa, and 784

has had them under consideration and reports same with
recommendation that they DO NOT PASS, but that

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
SUBSTITUTE FOR HOUSE BILLS 277, 175, 587 and 784

DO PASS.

Respectfully submitted,

Max Coll, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 1 Against

Yes: 10

No: Bird

Excused: Buffett, Garcia, M.H., Marquardt, Picraux, Salazar,
Watchman

Absent: None

M \H0277

Underscored material = new
~~[bracketed material] = delete~~

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 277, 175, 587 & 784

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO COURTS; CREATING JUDGESHIPS IN THE FIRST AND SECOND
JUDICIAL DISTRICTS AND METROPOLITAN COURT; ESTABLISHING A DRUG
COURT IN THE SECOND JUDICIAL DISTRICT; PROVIDING FOR ADDITIONAL
ASSISTANT DISTRICT ATTORNEYS AND PUBLIC DEFENDERS; AMENDING
SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.

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

Section 1. Section 34-6-4 NMSA 1978 (being Laws 1968,
Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be
~~[six]~~ seven district judges in the first judicial district."

Section 2. 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-one]~~ twenty-three district judges in the second judicial
district."

Section 3. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,
Chapter 318, Section 2, as amended) is amended to read:

.118641.1

1 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE--
2 ELECTION. --

3 A. The elected term of office for each judge of the
4 metropolitan court is four years.

5 B. Judges of the metropolitan court who have been
6 previously elected in a partisan election or who were serving as
7 metropolitan judges on January 1, 1989 in divisions one through
8 twelve shall be subject to retention or rejection on a
9 nonpartisan ballot at the 1990 general election for a four-year
term ending December 31, 1994.

10 C. Any person appointed to fill a vacancy on the
11 metropolitan court after January 1, 1989 shall serve until the
12 next general election. That person's successor shall be chosen
13 at that general election and shall hold the office until the
general election four years later.

14 D. Judges of the Bernalillo county metropolitan
15 court for divisions thirteen, fourteen and fifteen shall be
16 appointed and shall serve until the 1992 general election.
17 Their successors shall be chosen at that general election and
18 shall hold office until the general election four years later.
19 Additional judges shall be appointed and elected pursuant to
20 Article 6 of the constitution of New Mexico. "

21 Section 4. Section 34-8A-8 NMSA 1978 (being Laws 1979,
Chapter 346, Section 8, as amended) is amended to read:

22 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT. --

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

1 B. The metropolitan court is an agency of the judicial
2 department of state government. Personnel of the metropolitan
3 court are subject to all laws and regulations applicable to state
4 officers and agencies and state officers and employees, except
5 where otherwise specifically provided by law.

6 C. There shall be [~~fifteen~~] eighteen judges of the
7 Bernalillo county metropolitan court. "

8 Section 5. TEMPORARY PROVISION--DRUG COURT.--One of the
9 additional judges provided for the second judicial district in this
10 act shall preside over the operation of a drug court.

11 Section 6. TEMPORARY PROVISION--APPOINTMENT.--The additional
12 district judgeships provided for in this act shall be filled by
13 appointment by the governor pursuant to Article 6 of the
14 constitution of New Mexico for terms beginning July 1, 1997.

15 Section 7. APPROPRIATIONS.--

16 A. The following amounts are appropriated from the
17 general fund to the following entities for expenditure in fiscal
18 year 1998 for the specified purposes:

19 (1) two hundred ninety-seven thousand five
20 hundred seventy-seven dollars (\$297,577) to pay the cost of adding
21 an additional judgeship in the first judicial district, including
22 salary and benefits, training and office equipment, furnishings and
23 supplies;

24 (2) four hundred ninety thousand nine hundred
25 dollars (\$490,900) to the second judicial district to pay two
26 district court judges' salaries and benefits, provide support staff
27 and purchase furniture and equipment for the judgeships;

 (3) six hundred twenty-one thousand dollars

Underscored material = new
[bracketed material] = delete

1 (\$621,000) to the Bernalillo county metropolitan court for the
2 purpose of paying salaries and benefits and providing furniture,
3 equipment and supplies for three judges and support staff;

4 (4) three hundred eighty-eight thousand three
5 hundred dollars (\$388,300) to the district attorney's office for
6 the second judicial district to pay for salaries and benefits for
7 assistant district attorneys and support staff; and

8 (5) five hundred sixty-six thousand dollars
9 (\$566,000) to the public defender department to pay for salaries
10 and benefits for public defenders and support staff.

11 B. Any unexpended or unencumbered balance remaining at
12 the end of fiscal year 1998 shall revert to the general fund.

13 Section 8. EFFECTIVE DATE. -- The effective date of the
14 provisions of this act is July 1, 1997.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 19, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 277, et al

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____

Underscored material = new
[bracketed material] = delete

HAFC/HB 277, et al.

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Ingle, Lyons, McKibben

Absent: None

H0277FC1

Underscored material = new
[bracketed material] = delete