

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 130 & 194

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO COURTS; PROVIDING FOR AN ADDITIONAL MAGISTRATE IN  
THE DONA ANA MAGISTRATE DISTRICT; PROVIDING FOR APPOINTMENT AND  
ELECTION; ESTABLISHING ELECTORAL DIVISIONS FOR THE LEA  
MAGISTRATE DISTRICT; PROVIDING FOR ELIMINATION OF AN ELECTORAL  
DIVISION IN THE LEA MAGISTRATE DISTRICT; MAKING AN  
APPROPRIATION.

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

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

"35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT. --There  
shall be [~~four~~] five magistrates in Dona Ana magistrate  
district. Divisions 1, 2, 3, [~~and~~] 4 and 5 shall operate as a  
single court in Las Cruces and shall rotate riding circuit to

1 Anthony and Hatch on a regularly scheduled basis. "

2 Section 2. Section 35-1-16 NMSA 1978 (being Laws 1968,  
3 Chapter 62, Section 18, as amended) is amended to read:

4 "35-1-16. MAGISTRATE COURT--LEA DISTRICT. --

5 A. Subject to the provisions of Subsection B of  
6 this section, there shall be five magistrates in Lea magistrate  
7 district. [~~division 1 in Lovington, divisions 2 and 5 operating~~  
8 as a single court in Hobbs, ~~division 3 in Eunice and division 4~~  
9 in Tatum] The magistrates shall be elected from five electoral  
10 divisions in Lea county. Division 1 in Lovington is composed  
11 of Lea county precinct numbers 15, 16, 17, 18, 20, 22, 23, 24  
12 and 30. Division 2 in Hobbs is composed of Lea county precinct  
13 numbers 35, 51, 52, 53, 54, 55 and 61. Division 3 in Eunice is  
14 composed of Lea county precinct numbers 31, 32, 34, 36, 62, 71,  
15 72, 73 and 74. Division 4 in Tatum is composed of Lea county  
16 precinct numbers 2, 3, 10, 11, 12, 13, 14, 21 and 26. Division  
17 5 in Hobbs is composed of Lea county precinct numbers 25, 27,  
18 28, 29, 33, 41, 42, 43 and 44. A candidate for magistrate  
19 court judge in Lea county shall, at the time of filing for  
20 candidacy, reside in the electoral division from which he seeks  
21 to be elected and, if elected, shall maintain residency in the  
22 electoral division. The division 3 magistrate shall ride  
23 circuit to Jal on a regularly scheduled basis and shall ride  
24 circuit to Hobbs as needed.

1                    B. Primary and general elections shall not be held  
2 for division 4 in 2002, and the term of service for division 4  
3 shall end on December 31, 2002. "

4                    Section 3. TEMPORARY PROVISION--DONA ANA MAGISTRATE--  
5 APPOINTMENT AND ELECTION.--The office of magistrate in Dona Ana  
6 magistrate division 5 shall be filled by appointment by the  
7 governor. The appointed magistrate shall begin serving on July  
8 1, 2001 and shall serve until succeeded by a magistrate elected  
9 at the general election in 2002. The elected magistrate's term  
10 of office shall begin on January 1, 2003.

11                    Section 4. APPROPRIATION.--Ninety thousand dollars  
12 (\$90,000) is appropriated from the general fund to the  
13 administrative office of the courts for expenditure in fiscal  
14 year 2002 for salary and benefits for an additional magistrate  
15 in the Dona Ana magistrate district. Any unexpended or  
16 unencumbered balance remaining at the end of fiscal year 2002  
17 shall revert to the general fund.

18                    Section 5. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2001.

underscoring material = new  
[bracketed material] = delete