

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 856

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

INTRODUCED BY

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
RELATING TO THE STATE JUDICIAL SYSTEM; CREATING THE STATE
JUDICIAL SYSTEM STUDY COMMITTEE; PROVIDING DUTIES AND POWERS;
MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. STATE JUDICIAL SYSTEM STUDY COMMITTEE
CREATED. -- The joint interim legislative "state judicial system
study committee" is created. The committee shall function
from the date of its appointment until December 1 prior to the
first session of the forty-sixth legislature.

Section 2. MEMBERSHIP-- APPOINTMENT-- VACANCIES. --

A. The state judicial system study committee shall
be composed of ten members appointed by the New Mexico
legislative council. Five members shall be appointed from the

1 house of representatives and five members from the senate. At
2 the time of appointment, the legislative council shall
3 designate the chairman and vice chairman of the committee.

4 B. Members shall be appointed from each house so
5 as to give the two major political parties in each house the
6 same proportionate representation on the committee as prevails
7 in each house; however, in no event shall either party have
8 less than one member from each house on the state judicial
9 system study committee. At the request of the committee
10 chairman, members may be removed from the committee by the New
11 Mexico legislative council for nonattendance in accordance
12 with council policy. Vacancies on the committee may be filled
13 by the New Mexico legislative council, or the council may
14 reduce the size of the committee by not making replacement
15 appointments and in that case need not readjust party
16 representation.

17 C. An action shall not be taken by the committee
18 if a majority of the total membership from either house on the
19 committee rejects that action.

20 Section 3. DUTIES AND POWERS. --

21 A. After its appointment, the state judicial
22 system study committee shall hold an initial meeting to
23 develop a work plan and budget for the ensuing interim. The
24 work plan and budget shall be submitted to the New Mexico
25 legislative council for approval. Upon approval of the work

1 plan and budget by the New Mexico legislative council, the
 2 committee, in cooperation with the members of the state
 3 judiciary, shall:

4 (1) examine the statutes, constitutional
 5 provisions, regulations and court decisions governing the
 6 judicial system in New Mexico;

7 (2) evaluate the effectiveness of the
 8 judiciary system; and

9 (3) make recommendations to the legislature
 10 relating to new legislation or changes in current law, if any,
 11 determined necessary by the committee.

12 B. Any member of the committee may administer
 13 oaths. The committee or a subcommittee thereof may have the
 14 power of subpoena, which may be enforced through any district
 15 court of the state. Process of the committee shall be served
 16 by any sheriff, deputy or member of the state police, and
 17 shall be served without cost to the committee.

18 Section 4. REPORT.--The state judicial system study
 19 committee shall make a report of its findings and
 20 recommendations for the consideration of the first session of
 21 the forty-sixth legislature. The report and suggested
 22 legislation shall be made available to the legislative council
 23 on or before December 15 preceding that session.

24 Section 5. APPROPRIATION.--Fifty thousand dollars
 25 (\$50,000) is appropriated from the general fund to the

. 138001. 1

underscored material = new
 [bracketed material] = delete

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1 legislative council service for expenditure in fiscal years
2 2002 and 2003 for the purpose of paying the salaries and
3 expenses of the technical, legal and clerical staff and for
4 reimbursing the per diem and mileage expenses of the state
5 judicial system study committee. Any unexpended or
6 unencumbered balance remaining at the end of fiscal year 2003
7 shall revert to the general fund.

8 Section 6. EMERGENCY.--It is necessary for the public
9 peace, health and safety that this act take effect
10 immediately.