

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

SB 234/a

February 13, 2001

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE BILL 234

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 13, after the semicolon insert "CHANGING THE VENUE OF HEARINGS;".

2. On page 5, between lines 11 and 12, insert the following new section:

"Section 4. Section 52-5-6 NMSA 1978 (being Laws 1986, Chapter 22, Section 32, as amended) is amended to read:

"52-5-6. AUTHORITY OF THE DIRECTOR TO CONDUCT HEARINGS. --

A. Hearings shall be held in the county upon which the parties agree, but if they cannot agree then the hearing shall be held in the county in which the injury or disablement occurred for which the claim is being made [~~unless the parties agree otherwise~~].

B. The workers' compensation judge shall have the power to preserve and enforce order during hearings; administer oaths; issue subpoenas to compel the attendance and testimony of witnesses, the production of books, papers, documents and other evidence or the taking of depositions before a designated individual competent to administer oaths; examine witnesses; enter noncriminal sanctions for misconduct; and do all things conformable to law which may be necessary to enable him to discharge the duties of his office effectively.

C. In addition to the noncriminal sanctions that may be ordered by the workers' compensation judge, any person committing any of the following acts in a proceeding before a workers' compensation judge may be held accountable for his conduct in accordance with the provisions of Subsection D of this section:

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

SPAC/SB 234

Page 2

- (1) disobedience of or resistance to any lawful order or process;
- (2) misbehavior during a hearing or so near the place of the hearing as to obstruct it;
- (3) failure to produce any pertinent book, paper or document after having been ordered to do so;
- (4) refusal to appear after having been subpoenaed;
- (5) refusal to take the oath or affirmation as a witness; or
- (6) refusal to be examined according to law.

D. The director may certify to the district court of the district in which the acts were committed the facts constituting any of the acts specified in Paragraphs (1) through (6) of Subsection C of this section. The court shall hold a hearing and if the evidence so warrants may punish the offending person in the same manner and to the same extent as for contempt committed before the court, or it may commit the person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court. "".

3. Renumber the succeeding sections accordingly. ,

and thence referred to the CORPORATIONS & TRANSPORTATION
COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

SPAC/SB 234

Page 3

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 3 Against

Yes: 5

No: Adair, Boitano, Hurt

Excused: Komadina

Absent: None

S0234PA1

. 136137. 2