

AN ACT

RELATING TO FINANCING COURT FACILITIES; AUTHORIZING THE  
ISSUANCE OF NEW MEXICO FINANCE AUTHORITY REVENUE BONDS FOR A  
NEW COURT BUILDING FOR THE BERNALILLO COUNTY METROPOLITAN  
COURT; IMPOSING FEES; CREATING A FUND; AMENDING AND ENACTING  
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 34-2-5 NMSA 1978 (being Laws 1933,  
Chapter 81, Section 1, as amended) is amended to read:

"34-2-5. FEES--COLLECTION BY SUPREME COURT CLERK. --The  
clerk of the supreme court shall collect the following fees:

A. in all cases docketed in the court, except  
those in which statutory exemption exists and those in which  
the court on showing of poverty may, by order, waive the fee,  
one hundred twenty-five dollars (\$125), twenty-five dollars  
(\$25.00) of which shall be deposited in the court automation  
fund and ninety-six dollars (\$96.00) of which shall be  
deposited in the court facilities fund; provided that in  
cases in which a skeleton transcript may be filed for the  
purpose of a motion to docket and affirm, the fee shall be  
twenty dollars (\$20.00), ten dollars (\$10.00) of which shall  
be deposited in the court automation fund and ten dollars  
(\$10.00) of which shall be deposited in the court facilities  
fund;

B. for one copy of files or a record, ten cents (\$ .10) per folio and for additional copies ordered at the same time, five cents (\$ .05) per folio;

C. for comparing copies of files or records tendered to him, five cents (\$ .05) per folio; and

D. for each certificate, one dollar (\$1.00).”

Section 2. Section 34-5-6 NMSA 1978 (being Laws 1966, Chapter 28, Section 6, as amended) is amended to read:

"34-5-6. COURT OF APPEALS--FEES AND COSTS.--

A. The clerk of the court of appeals shall collect the following fees:

docket fee, twenty-five dollars (\$25.00) of which shall be deposited in the court automation fund and one hundred dollars (\$100) of which shall be deposited in the court facilities fund . . . . . \$125.00

docket fee for cases in which a skeleton transcript is filed for purpose of a motion to docket and affirm, ten dollars (\$10.00) of which shall be deposited in the court automation fund and ten dollars (\$10.00) of which shall be deposited in the court facilities fund . . . . . 20.00

single copy of records, per typewritten folio . . . . .10

each additional copy of records ordered at same time, per typewritten folio . . . . . .05

copies of records reproduced by photographic

process, per page . . . . . 10  
 comparing copies of records tendered to him,  
 per folio . . . . . 05  
 each certificate . . . . . 1.00.

B. No fees or costs shall be required in proceedings in forma pauperis, from state officers acting in their official capacity or in any other case where a statutory exemption exists.

C. Except as otherwise specifically provided by law, the clerk of the court of appeals shall pay all fees and costs to the state treasurer for credit to the state general fund. "

Section 3. Section 35-6-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 92, as amended by Laws 1997, Chapter 242, Section 3 and also by Laws 1997, Chapter 247, Section 1) is amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF "CONVICTED".--

A. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

docket fee, criminal actions under Section 29-5-1 NMSA  
 1978 . . . . . \$ 1.00

docket fee, to be collected prior to docketing any  
 other criminal action, except as provided in

Subsection B of Section 35-6-3 NMSA 1978 . . . 20.00

Proceeds from this docket fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund.

docket fee, ten dollars (\$10.00) of which shall be deposited in the court automation fund, to be collected prior to docketing any civil action, except as provided in Subsection A of Section 35-6-3 NMSA 1978 . . . . . 47.00

jury fee, to be collected from the party demanding trial by jury in any civil action at the time the demand is filed or made . . . . . 25.00

copying fee, for making and certifying copies of any records in the court, for each page copied by photographic process . . . . . .50.

Proceeds from this copying fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund.

copying fee, for computer-generated or electronically transferred copies, per page . . . . . 1.00.

Proceeds from this copying fee shall be transferred to the administrative office of the courts for deposit in the court automation fund.

Except as otherwise specifically provided by law, docket fees shall be paid into the court

facilities fund.

B. Except as otherwise provided by law, no other costs or fees shall be charged or collected in the magistrate or metropolitan court.

C. The magistrate or metropolitan court may grant free process to any party in any civil proceeding or special statutory proceeding upon a proper showing of indigency. The magistrate or metropolitan court may deny free process if it finds that the complaint on its face does not state a cause of action.

D. As used in this subsection, "convicted" means the defendant has been found guilty of a criminal charge by the magistrate or metropolitan judge, either after trial, a plea of guilty or a plea of nolo contendere. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

(1) corrections fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment . . . . .

. . . . . \$10.00; HB 21  
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(2) court automation fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment . . . . . 10.00;

(3) traffic safety fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle . . . . . 5.00;

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of imprisonment . . . . . 1.00;

(5) brain injury services fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle . . . . . 5.00;  
and

(6) court facilities fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation

of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment . . . . . 10.00.

E. Metropolitan court judges shall assess and collect as costs and shall not waive, defer or suspend a mediation fee not to exceed five dollars (\$5.00) for the docketing of small claims and criminal actions specified by metropolitan court rule. Proceeds of the mediation fee shall be deposited into the metropolitan court mediation fund."

Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989, Chapter 320, Section 5, as amended by Laws 1997, Chapter 242, Section 5 and also by Laws 1997, Chapter 247, Section 2) is amended to read:

"66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--  
ADDITIONAL FEES.--In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. ten dollars (\$10.00) to help defray the costs of local government corrections;

B. a court automation fee of ten dollars (\$10.00);

C. a traffic safety fee of five dollars (\$5.00), which shall be credited to the traffic safety education and enforcement fund;

D. a judicial education fee of one dollar (\$1.00), which shall be credited to the judicial education fund;

E. a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund; and

F. a court facilities fee of ten dollars (\$10.00)."

Section 5. Section 66-8-119 NMSA 1978 (being Laws 1968, Chapter 62, Section 159, as amended by Laws 1997, Chapter 242, Section 6 and also by Laws 1997, Chapter 247, Section 3) is amended to read:

"66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

A. The division shall remit all penalty assessment receipts, except receipts collected pursuant to Subsections A through F of Section 66-8-116.3 NMSA 1978, to the state treasurer for credit to the general fund.

B. The division shall remit all penalty assessment fee receipts collected pursuant to:

(1) Subsection A of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the local government corrections fund;

(2) Subsection B of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court automation fund;



(3) Subsection C of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the traffic safety education and enforcement fund;

(4) Subsection D of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the judicial education fund;

(5) Subsection E of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the brain injury services fund; and

(6) Subsection F of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court facilities fund. "

Section 6. COURT FACILITIES FUND CREATED--  
ADMINISTRATION-- DISTRIBUTION. --

A. The "court facilities fund" is created in the state treasury and shall be administered by the administrative office of the courts. The fund shall consist of court facilities fees and lease and rental revenues transferred to or deposited in the fund.

B. All court facilities fees and other revenues deposited in the fund shall be distributed monthly to the New Mexico finance authority for deposit in a special bond fund or account of the authority. The New Mexico finance authority may pledge irrevocably all of these distributions to the authority for the payment of principal, interest and

any other expenses or obligations related to the bonds issued by the authority for financing the acquisition of real property and for the design, construction and equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque.

C. Distributions from the court facilities fund to the New Mexico finance authority shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the secretary of finance and administration.

Section 7. USE OF BERNALILLO COUNTY METROPOLITAN COURT FACILITIES. --The administrative office of the courts, as holder of record title to the existing Bernalillo county metropolitan court building located on the northwest corner of Fourth street and Roma avenue northwest in Albuquerque, shall administer and manage the building in accordance with the following provisions:

A. after completion of a new Bernalillo county metropolitan court facility with proceeds of bonds issued by the New Mexico finance authority, the entire operations, judges, staff and personnel associated with the Bernalillo county metropolitan court shall be relocated to the new facility and the existing facility shall be vacated;

B. the administrative office of the courts shall then make the vacated facility ready and available for lease

or rent to public or private tenants;

C. rents charged by the administrative office of the courts to any public or private tenant for use of the facility shall be at rates comparable to rents charged in the downtown Albuquerque area for commercial office space;

D. after payment of any costs of operating and maintaining a commercial office facility typically paid by a commercial landlord, all lease and rental revenues collected by the administrative office of the courts for the facility shall be deposited in the court facilities fund;

E. the administrative office of the courts shall provide a certified tenant list and rent schedule for the facility to the New Mexico finance authority at the end of each fiscal year;

F. with the prior written consent of the New Mexico finance authority, the administrative office of the courts may mortgage or encumber the facility or sell or otherwise dispose of the facility; provided that no sale or disposition of the facility shall be for less than the fair market value of the facility as determined by an independent real estate appraiser; and

G. any money received from the sale or other disposition of the facility shall be deposited in the court facilities fund and used for the early redemption of any outstanding bonds issued by the New Mexico finance authority

for financing a new court building for the Bernalillo county metropolitan court in Albuquerque.

Section 8. NEW MEXICO FINANCE AUTHORITY REVENUE BONDS-- PURPOSE-- APPROPRIATION. --

A. If the ten dollar (\$10.00) court facilities fee provided in Section 3 of this act is imposed by law and all distributions to the court facilities fund provided in this act become law, the New Mexico finance authority may issue and sell revenue bonds in compliance with the New Mexico Finance Authority Act in installments or at one time in an amount not exceeding forty-six million five hundred thousand dollars (\$46,500,000) for the purpose of financing the acquisition of real property for and the design, construction and equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque.

B. The New Mexico finance authority may issue and sell revenue bonds authorized by this section when the chief judge of the Bernalillo county metropolitan court and the administrator of the Bernalillo county metropolitan court certify the need for issuance of the bonds. The net proceeds from the sale of the bonds are appropriated to the Bernalillo county metropolitan court for the purpose described in Subsection A of this section.

C. The money distributed from the court facilities fund to the New Mexico finance authority shall be

pledged irrevocably for the payment of the principal, interest and other expenses or obligations related to the bonds.

D. At the end of each fiscal year, any money remaining in the special bond fund or account, after all principal, interest and other expenses or obligations related to the bonds in that fiscal year are fully paid and after an amount not to exceed six hundred thousand dollars (\$600,000) per year from the annual lease and rental revenues anticipated to be deposited in the court facilities fund is retained in that fund or account, shall be transferred to the general fund. Upon payment of all principal, interest and other expenses or obligations related to the bonds, the authority shall certify to the administrative office of the courts that all obligations for the bonds issued pursuant to this section have been fully discharged and direct the administrative office of the courts and the state treasurer to cease distributing money from the court facilities fund to the authority and to transfer the money from the court facilities fund to the general fund.

E. Any law imposing court facilities fees, authorizing the collection of court facilities fees or directing deposits into the court facilities fund or distribution of the money in the court facilities fund to the New Mexico finance authority shall not be amended, repealed

or otherwise directly or indirectly modified so as to impair outstanding revenue bonds that may be secured by a pledge of the distributions from the court facilities fund to the New Mexico finance authority, unless the revenue bonds have been discharged in full or provisions have been made for a full discharge.

F. The New Mexico finance authority may additionally secure the revenue bonds issued pursuant to this section by a pledge of money in the public project revolving fund with a lien priority on the money in the public project revolving fund as determined by the authority.

Section 9. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1998. \_\_\_\_\_