

\_\_\_\_ BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO THE DISTRICT COURTS; ALLOWING DISTRICT COURTS TO  
REQUIRE PARTIES TO PAY COSTS FOR ALTERNATIVE DISPUTE RESOLUTION  
ON A SLIDING FEE SCALE.

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

**SECTION 1.** Section 34-6-45 NMSA 1978 (being Laws 1986,  
Chapter 26, Section 2, as amended) is amended to read:

"34-6-45. DISTRICT COURTS--ALTERNATIVE DISPUTE  
RESOLUTION--FEE.--In addition to fees collected pursuant to,  
and subject to exceptions set forth in, Section 34-6-40 NMSA  
1978 for docketing of civil cases, in any judicial district  
that has established an alternative dispute resolution program  
by judicial district court rule approved by the supreme court,  
including ~~[but not limited to]~~ arbitration, mediation and  
settlement facilitation programs:

.204490.1SA

1           A. the district court clerk shall collect a fee of  
2 fifteen dollars (\$15.00) on all new and reopened civil cases  
3 except domestic relations cases. The fee shall be deposited  
4 for credit to the district court alternative dispute resolution  
5 fund pursuant to the provisions of Section 34-6-37 NMSA 1978;  
6 and

7           B. the district court may require the parties to  
8 pay a fee for services rendered through an alternative dispute  
9 resolution program pursuant to a sliding fee scale approved by  
10 the supreme court based on ability to pay. The district court  
11 may order parties to pay either the court or the alternative  
12 dispute resolution provider for the services rendered. A fee  
13 collected and paid to the court pursuant to this subsection  
14 shall be deposited for credit to the district court alternative  
15 dispute resolution fund pursuant to the provisions of Section  
16 34-6-37 NMSA 1978."