

FORTY-FIFTH LEGISLATURE  
FIRST SESSION, 2001

SB 234/a

February 23, 2001

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom  
has been referred

SENATE BILL 234, as amended

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

1. Strike Senate Public Affairs Committee Amendment 2.

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 the parties agree  
upon, and if the parties cannot agree then 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.

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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:

(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. "".

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Respectfully submitted,

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Roman M. Maes, III, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 4 For 1 Against

Yes: 4

No: Robinson

Excused: Hurt, Snyder, Sanchez, B., Maes

Absent: None

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