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SENATE MEMORIAL 31

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

James G. Taylor

A MEMORIAL

REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONDUCT A STUDY ON THE NEED OF CLASS A COUNTIES TO HAVE A SPECIAL JUDGE OR A SPECIAL MASTER TO HEAR CODE ENFORCEMENT CASES.

WHEREAS, every year Bernalillo county presents approximately three hundred cases to the district and metropolitan courts relating to alleged violations of codes, including the zoning, building, environmental health, animal control, fire marshal and public works codes; and

WHEREAS, code violation cases are often docketed with other types of cases that may be viewed as having a higher priority, such as DWI, traffic violation and domestic violence cases; and

WHEREAS, in the first ten months of 2007, Bernalillo county filed in metropolitan court one hundred forty-six

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1 zoning-related cases of which forty-five percent were continued
2 for additional hearings; and

3 WHEREAS, in the first ten months of 2007, Bernalillo
4 county filed in district court six zoning-related cases of
5 which four were resolved and two were continued; and

6 WHEREAS, the number of code enforcement cases filed in
7 Bernalillo county will continue to increase as code compliance
8 becomes more of a priority for the community and enforcement
9 efforts are increased; and

10 WHEREAS, increased emphasis on county code enforcement
11 will increase congestion in an already over-burdened court
12 system; and

13 WHEREAS, assigning code enforcement cases to an additional
14 special division of the court system or to a special master
15 outside the traditional court system may ameliorate court
16 congestion resulting from increased enforcement efforts and
17 provide enforcement staff with the support needed to
18 effectively enforce county codes;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
20 OF NEW MEXICO that it request the administrative office of the
21 courts to conduct a study in the need for class A counties to
22 have a special judge or special master to hear code enforcement
23 cases; and

24 BE IT FURTHER RESOLVED that the administrative office of
25 the courts present the results of its study and any

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1 recommendations regarding the need for class A counties to have
2 a special judge or special master to hear code enforcement
3 cases to the appropriate interim legislative committee no later
4 than October 1, 2008; and

5 BE IT FURTHER RESOLVED that a copy of this memorial be
6 transmitted to the director of the administrative office of the
7 courts.