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AN ACT

RELATING TO COURTS; CREATING THE ELECTRONIC SERVICES FUND;  
PROVIDING FOR THE ESTABLISHMENT OF ELECTRONIC SERVICES FEES  
TO DEFRAY THE COST OF PROVIDING ELECTRONIC FILING AND PUBLIC  
ACCESS TO COURT DOCUMENTS; AUTHORIZING THE ADMINISTRATIVE  
OFFICE OF THE COURTS TO ENTER INTO AGREEMENTS TO PROVIDE  
ELECTRONIC FILING AND ACCESS SERVICES; MAKING AN  
APPROPRIATION.

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

Section 1. A new section of Chapter 34, Article 1 NMSA  
1978 is enacted to read:

"ELECTRONIC SERVICES FUND--CREATED--PURPOSE--ELECTRONIC  
SERVICES FEE ESTABLISHED.--

A. The "electronic services fund" is created in  
the state treasury to be administered by the administrative  
office of the courts. The fund consists of electronic  
services fees, appropriations, gifts, grants and donations.  
Interest earned on money in the fund shall be credited to the  
fund. Balances in the fund shall not revert to the general  
fund at the end of a fiscal year.

B. Money in the fund is subject to appropriation  
by the legislature to the administrative office of the courts  
for the purpose of defraying the costs of operating and  
maintaining electronic filing services and providing public

1 access to electronic documents in appellate, district,  
2 metropolitan and magistrate courts, consistent with rules  
3 promulgated by the supreme court.

4 C. The supreme court is authorized to establish by  
5 rule reasonable electronic services fees to cover the expense  
6 of providing electronic services to the public, including  
7 electronic document filing, access to electronic documents  
8 and ancillary services.

9 D. The administrative office of the courts is  
10 authorized to enter into agreements with electronic filing  
11 companies to provide electronic services, collect the  
12 electronic services fees and remit those fees to the  
13 administrative office of the courts. An agreement approved  
14 by the supreme court may further allow an electronic filing  
15 company to retain a portion of the electronic services fees  
16 collected and to remit the remainder of those fees to the  
17 administrative office of the courts for deposit in the  
18 electronic services fund.

19 E. Disbursements from the electronic services fund  
20 shall be made by warrants drawn by the secretary of finance  
21 and administration upon vouchers issued and signed by the  
22 director of the administrative office of the courts or the  
23 director's designee."

24 Section 2. A new section of Chapter 34, Article 2 NMSA  
25 1978 is enacted to read:

1 "SUPREME COURT--ELECTRONIC SERVICES FEE.--The clerk of  
2 the supreme court may charge and collect from persons who use  
3 electronic services an electronic services fee in an amount  
4 established by supreme court rule. Proceeds from the  
5 electronic services fee shall be remitted to the  
6 administrative office of the courts for deposit in the  
7 electronic services fund."

8 Section 3. A new section of Chapter 34, Article 5 NMSA  
9 1978 is enacted to read:

10 "COURT OF APPEALS--ELECTRONIC SERVICES FEE.--The clerk  
11 of the court of appeals may charge and collect from persons  
12 who use electronic services an electronic services fee in an  
13 amount established by supreme court rule. Proceeds from the  
14 electronic services fee shall be remitted to the  
15 administrative office of the courts for deposit in the  
16 electronic services fund."

17 Section 4. A new section of Chapter 34, Article 6 NMSA  
18 1978 is enacted to read:

19 "DISTRICT COURT--ELECTRONIC SERVICES FEE.--A district  
20 court may charge and collect from persons who use electronic  
21 services an electronic services fee in an amount established  
22 by supreme court rule. Proceeds from the electronic services  
23 fee shall be remitted to the administrative office of the  
24 courts for deposit in the electronic services fund."

25 Section 5. A new section of Chapter 34, Article 8A NMSA

1 1978 is enacted to read:

2 "METROPOLITAN COURT--ELECTRONIC SERVICES FEE.--A  
3 metropolitan court may charge and collect from persons who  
4 use electronic services an electronic services fee in an  
5 amount established by supreme court rule. Proceeds from the  
6 electronic services fee shall be remitted to the  
7 administrative office of the courts for deposit in the  
8 electronic services fund."

9 Section 6. A new section of Chapter 35, Article 6 NMSA  
10 1978 is enacted to read:

11 "MAGISTRATE COURT--ELECTRONIC SERVICES FEE.--A  
12 magistrate court may charge and collect from persons who use  
13 electronic services an electronic services fee in an amount  
14 established by supreme court rule. Proceeds from the  
15 electronic services fee shall be remitted to the  
16 administrative office of the courts for deposit in the  
17 electronic services fund."

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