

1 HOUSE BILL 131

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sarah Maestas Barnes

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9  
10 AN ACT

11 RELATING TO THE DISTRICT COURTS; ALLOWING DISTRICT COURTS TO  
12 RECOVER COSTS FOR ALTERNATIVE DISPUTE RESOLUTION ON A SLIDING  
13 FEE SCALE.

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

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

18 "34-6-45. DISTRICT COURTS--ALTERNATIVE DISPUTE  
19 RESOLUTION--FEE.--In addition to fees collected pursuant to,  
20 and subject to exceptions set forth in, Section 34-6-40 NMSA  
21 1978 for docketing of civil cases [~~in any judicial district  
22 that has established an alternative dispute resolution program  
23 by judicial district court rule approved by the supreme court,  
24 including but not limited to arbitration, mediation and  
25 settlement facilitation programs~~]:

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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~~] 34-6-44  
6 NMSA 1978; 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. The fee shall be based on ability to pay  
10 pursuant to a sliding fee scale approved by the supreme court.  
11 Payment shall be made by the parties to the district court to  
12 be deposited for credit to the district court alternative  
13 dispute resolution fund pursuant to the provisions of Section  
14 34-6-44 NMSA 1978."