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SENATE BILL 29

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO METROPOLITAN COURTS; CREATING THE COURT EMERGENCY  
PROPERTY RESERVE FUND AND THE METROPOLITAN COURT PARKING FUND;  
PROVIDING DIFFERENT DOCKET FEES FOR COUNTIES WITH A  
METROPOLITAN COURT; REPEALING SECTIONS 6-21-6.13 AND 34-9-16  
NMSA 1978 (BEING LAWS 2008, CHAPTER 91, SECTION 2 AND LAWS 1998  
(1ST S.S.), CHAPTER 6, SECTION 9, AS AMENDED); MAKING AN  
APPROPRIATION.

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

SECTION 1. Section 34-8A-14 NMSA 1978 (being Laws 2000,  
Chapter 5, Section 1) is amended to read:

"34-8A-14. USE OF PARKING FACILITY NEAR BERNALILLO COUNTY  
METROPOLITAN COURT.--

A. The Bernalillo county metropolitan court shall  
administer and manage a parking facility adjacent to the

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1 Bernalillo county metropolitan court in Albuquerque in  
2 accordance with the following provisions:

3 ~~[A.]~~ (1) parking fees or the rents charged by  
4 the Bernalillo county metropolitan court to any public or  
5 private tenant or user of the parking facility shall be at  
6 rates comparable to parking fees charged in the downtown  
7 Albuquerque area for similar parking privileges or rents  
8 charged in the downtown Albuquerque area for similar space; and

9 ~~[B.]~~ (2) after payment of all fixed costs  
10 related to the parking facility and all costs of operating and  
11 maintaining the parking facility, all rents, parking fees and  
12 charges collected by the Bernalillo county metropolitan court  
13 for the parking facility shall be deposited in the  
14 "metropolitan court [facilities] parking fund", which is  
15 created in the state treasury to be administered by the  
16 Bernalillo county metropolitan court. The fund shall consist  
17 of court fees and lease and rental revenues transferred to or  
18 deposited in the fund, gifts, grants, donations, appropriations  
19 and distributions to the fund made pursuant to the Tax  
20 Administration Act.

21 ~~[C. the Bernalillo county metropolitan court shall~~  
22 ~~provide a certified long-term user list and parking fee or rent~~  
23 ~~schedule for the parking facility to the New Mexico finance~~  
24 ~~authority at the end of each fiscal year;~~

25 ~~D. with the prior written consent of the New Mexico~~

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1 ~~finance authority, the Bernalillo county metropolitan court may~~  
2 ~~sell or otherwise dispose of the parking facility; provided~~  
3 ~~that no sale or disposition of the parking facility shall be~~  
4 ~~for less than the fair market value of the parking facility as~~  
5 ~~determined by an independent real estate appraiser; and]~~

6 B. All balances in the metropolitan court parking  
7 fund are appropriated to the Bernalillo county metropolitan  
8 court for the primary purpose of the maintenance and operation  
9 of the parking facility. After satisfaction of the primary  
10 purpose, any money remaining in the fund may, to the extent  
11 deemed necessary by the court, be used for the secondary  
12 purpose of partially paying for the costs of emergency or  
13 unforeseen repair, reconstruction or replacement of Bernalillo  
14 county metropolitan court property and expenses incidental  
15 thereto not otherwise covered by warranty, capital  
16 appropriation or insurance or pursuant to Chapter 13, Article 5  
17 NMSA 1978.

18 C. Payments from the metropolitan court parking  
19 fund shall be made upon warrants drawn by the secretary of  
20 finance and administration pursuant to vouchers issued and  
21 signed by the Bernalillo county metropolitan court  
22 administrator.

23 D. Any balance remaining in the metropolitan court  
24 parking fund at the end of a fiscal year shall not revert to  
25 the general fund.

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1           E. Any money received from the sale or other  
2 disposition of the parking facility shall be deposited in the  
3 court facilities fund [~~and used for the early redemption of any~~  
4 ~~outstanding bonds issued by the New Mexico finance authority~~  
5 ~~for financing the parking facility adjacent to the Bernalillo~~  
6 ~~county metropolitan court building in Albuquerque]."~~

7           SECTION 2. A new section of Chapter 34, Article 9 NMSA  
8 1978 is enacted to read:

9           "[NEW MATERIAL] COURT EMERGENCY PROPERTY RESERVE FUND.--

10           A. The "court emergency property reserve fund" is  
11 created as a nonreverting fund in the state treasury to be  
12 administered by the administrative office of the courts.

13           B. The court emergency property reserve fund may be  
14 used to pay the costs of emergency or unforeseen repair,  
15 reconstruction or replacement of court-owned property and  
16 expenses incidental thereto not otherwise covered by warranty,  
17 capital appropriation or insurance or pursuant to Chapter 13,  
18 Article 5 NMSA 1978. The fund may also be used to pay the  
19 costs of administering the fund.

20           C. The court emergency property reserve fund  
21 consists of gifts, grants, donations, appropriations and  
22 distributions to the fund made pursuant to the Tax  
23 Administration Act. Disbursements from the fund shall be drawn  
24 on warrant of the secretary of finance and administration  
25 pursuant to vouchers signed by the director of the

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1 administrative office of the courts or the director's designee.  
2 Money in the fund shall be invested by the state treasurer as  
3 provided by law, and earnings of the fund shall be credited to  
4 the fund. Unexpended or unencumbered balances remaining in the  
5 fund at the end of a fiscal year shall not revert."

6 SECTION 3. That version of Section 34-9-14 NMSA 1978  
7 (being Laws 1998 (1st S.S.), Chapter 6, Section 7, as amended)  
8 that is to become effective July 1, 2024 is amended to read:

9 "34-9-14. COURT FACILITIES FUND CREATED--ADMINISTRATION--  
10 DISTRIBUTION.--

11 A. The "court facilities fund" is created in the  
12 state treasury and shall be administered by the administrative  
13 office of the courts. The fund shall consist of court fees and  
14 lease and rental revenues transferred to or deposited in the  
15 fund, gifts, grants, donations, appropriations and  
16 distributions to the fund made pursuant to the Tax  
17 Administration Act.

18 ~~[B. All court facilities fees and other revenues~~  
19 ~~deposited in the fund shall be distributed monthly to the New~~  
20 ~~Mexico finance authority for deposit in a special bond fund or~~  
21 ~~account of the authority. The New Mexico finance authority may~~  
22 ~~pledge irrevocably all of these distributions to the authority~~  
23 ~~for the payment of principal, interest and any other expenses~~  
24 ~~or obligations related to the bonds issued by the authority for~~  
25 ~~financing the acquisition of real property and for the design,~~

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1 ~~construction, furnishing and equipping of a new court building~~  
2 ~~for the Bernalillo county metropolitan court in Albuquerque and~~  
3 ~~of a parking facility adjacent to the court building.~~

4 ~~C. Distributions from the court facilities fund to~~  
5 ~~the New Mexico finance authority shall be made upon vouchers~~  
6 ~~issued and signed by the director of the administrative office~~  
7 ~~of the courts upon warrants drawn by the secretary of finance~~  
8 ~~and administration.~~

9 ~~D. Upon certification by the New Mexico finance~~  
10 ~~authority that all payments of principal, interest and any~~  
11 ~~other expenses or obligations related to the bonds issued by~~  
12 ~~the authority for financing the acquisition of real property~~  
13 ~~and for the design, construction, furnishing and equipping of a~~  
14 ~~new court building for the Bernalillo county metropolitan court~~  
15 ~~in Albuquerque and of a parking facility adjacent to the court~~  
16 ~~building have been satisfied, the court facilities fee shall be~~  
17 ~~eliminated.]~~

18 B. The fund may be used by the administrative  
19 office of the courts to pay the costs of emergency or  
20 unforeseen repair, reconstruction or replacement of Bernalillo  
21 county metropolitan court property and expenses incidental  
22 thereto not otherwise covered by warranty, capital  
23 appropriation or insurance or pursuant to Chapter 13, Article 5  
24 NMSA 1978.

25 C. Any unexpended or unencumbered balances

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1 remaining in the fund at the end of a fiscal year shall not  
2 revert to the general fund."

3 SECTION 4. That version of Section 35-6-1 NMSA 1978  
4 (being Laws 1968, Chapter 62, Section 92, as amended) that is  
5 to become effective July 1, 2024 is amended to read:

6 "35-6-1. MAGISTRATE COSTS--SCHEDULE.--

7 A. Magistrate judges, including metropolitan court  
8 judges, shall assess and collect and shall not waive, defer or  
9 suspend the following costs:

10 docket fee, twenty dollars (\$20.00) of which shall be  
11 deposited in the court automation fund and fifteen  
12 dollars (\$15.00) of which shall be deposited in the  
13 civil legal services fund, to be collected prior to  
14 docketing any civil action, except as provided in  
15 [~~Subsection A of~~] Section 35-6-3 NMSA 1978, in a  
16 county with a metropolitan court . . . \$72.00; and  
17 in any other county. . . . . 35.00; [and]  
18 jury fee, to be collected from the party demanding trial  
19 by jury in any civil action at the time the demand  
20 is filed or made . . . . . 25.00; and  
21 copying fee, for making and certifying copies of any  
22 records in the court, for each page copied by  
23 photographic process . . . . . 0.50.  
24 Proceeds from this copying fee shall be transferred  
25 to the administrative office of the courts for

1 deposit in the court facilities fund [~~and~~  
2 ~~copying fee, for computer generated or electronically~~  
3 ~~transferred copies, per page 1.00.~~  
4 ~~Proceeds from this copying fee shall be transferred~~  
5 ~~to the administrative office of the courts for~~  
6 ~~deposit in the court automation fund].~~

7 Except as otherwise specifically provided by law, docket  
8 fees shall be paid into the court facilities fund.

9 B. Except as otherwise provided by law, no other  
10 costs or fees shall be charged or collected in the magistrate  
11 or metropolitan court.

12 C. The magistrate or metropolitan court may grant  
13 free process to any party in any civil proceeding or special  
14 statutory proceeding upon a proper showing of indigency. The  
15 magistrate or metropolitan court may deny free process if it  
16 finds that the complaint on its face does not state a cause of  
17 action.

18 D. Metropolitan court judges shall assess and  
19 collect and shall not waive, defer or suspend as costs a  
20 mediation fee not to exceed five dollars (\$5.00) for the  
21 docketing of small claims and criminal actions specified by  
22 metropolitan court rule. Proceeds of the mediation fee shall  
23 be deposited into the metropolitan court mediation fund."

24 SECTION 5. APPROPRIATION.--One million dollars  
25 (\$1,000,000) is appropriated from the general fund to the court  
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1 emergency property reserve fund for expenditure in fiscal year  
2 2025 and subsequent fiscal years for purposes of the fund. Any  
3 unexpended or unencumbered balance remaining at the end of a  
4 fiscal year shall not revert to the general fund.

5 SECTION 6. REPEAL.--Sections 6-21-6.13 and 34-9-16 NMSA  
6 1978 (being Laws 2008, Chapter 91, Section 2 and Laws 1998 (1st  
7 S.S.), Chapter 6, Section 9, as amended) are repealed.

8 SECTION 7. EFFECTIVE DATE.--

9 A. The effective date of the provisions of Sections  
10 2, 4 and 5 of this act is July 1, 2024.

11 B. The effective date of the provisions of Sections  
12 1, 3 and 6 of this act is July 1, 2025.