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SENATE BILL 227

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO COURTS; INCREASING THE JURISDICTIONAL AMOUNT FOR CIVIL ACTIONS IN METROPOLITAN COURT AND MAGISTRATE COURT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 34-8A-3 NMSA 1978 (being Laws 1979, Chapter 346, Section 3, as amended) is amended to read:

"34-8A-3. METROPOLITAN COURT-- JURISDICTION. --

A. In addition to the jurisdiction provided by law for magistrate courts, a metropolitan court shall have jurisdiction within the county boundaries over all:

(1) offenses and complaints under ordinances of the county and of any municipality located within the county in which the court is located except municipalities with a population of more than two thousand five hundred but

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1 less than five thousand persons in the 1980 federal decennial
2 census; provided that the metropolitan court shall not have
3 jurisdiction over uncontested municipal parking violations;

4 (2) civil actions in which the debt or sum
5 claimed does not exceed [~~five thousand dollars (\$5,000)~~] ten
6 thousand dollars (\$10,000), exclusive of interest and costs;
7 and

8 (3) contested violations of parking or
9 operation of vehicle regulations promulgated by a board of
10 regents of a state educational institution designated in
11 Article 12, Section 11 of the constitution of New Mexico
12 located within the county in which the court is located.

13 B. For the purposes of this section, "uncontested
14 violation" is a violation for which a citation has been issued
15 and the person has paid the citation by mail or in person to
16 the appropriate issuing authority; and "contested violation"
17 is a violation for which a citation has been issued and the
18 person had indicated his intent to contest the citation or the
19 person has not paid or answered the citation.

20 C. The issuing authority shall provide to the
21 metropolitan court on a mutually agreed schedule the unpaid
22 citations and a listing in a manner mutually agreed upon of
23 unpaid citations.

24 D. The municipality shall retain as reimbursement
25 for its expenses all revenues from uncontested municipal

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1 parking violations. "

2 Section 2. Section 35-3-3 NMSA 1978 (being Laws 1968,
3 Chapter 62, Section 48, as amended) is amended to read:

4 "35-3-3. JURISDICTION-- CIVIL ACTIONS. --

5 A. Magistrates have jurisdiction in civil actions
6 in which the debt or sum claimed does not exceed [five
7 ~~thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) ,
8 exclusive of interest and costs.

9 B. Except as provided in Subsection C of this
10 section, civil jurisdiction extends to actions in contract,
11 quasi-contract and tort and where expressly conferred by law.

12 C. A magistrate has no jurisdiction in any civil
13 action:

- 14 (1) for malicious prosecution, libel or
15 slander;
- 16 (2) against public officers for misconduct in
17 office;
- 18 (3) for specific performance of contracts for
19 the sale of real property;
- 20 (4) in which the title or boundaries of land
21 may be in dispute or drawn into question;
- 22 (5) affecting domestic relations, including
23 divorce, annulment or separation or custody, support,
24 guardianship, adoption or dependency of children;
- 25 (6) to grant writs of injunction, habeas

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corpus or extraordinary writs; or
(7) where jurisdiction is vested exclusively
in another court. "

Section 3. EFFECTIVE DATE. --The effective date of the
provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4
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6 March 6, 1999

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8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 SENATE BILL 227

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS.

16 Respectfully submitted,

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20 _____
21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJC/SB 227

Page 6

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Garcia, Luna

13 Absent: None

15 J: \99BillSWP\S0227

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 March 16, 1999

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6
7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 SENATE BILL 227

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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21 Max Coll, Chair man
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 13 For 1 Against

Yes: 13

No: Heaton

Excused: Abeyta, Marquardt, Watchman

Absent: None

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

March 17, 1999

HOUSE FLOOR AMENDMENT number _____ to SENATE BILL 227

Amendment sponsored by Representative R. David Pederson

1. On page 2, lines 5 and 6, strike "ten thousand dollars (\$10,000)" and insert in lieu thereof "seven thousand five hundred dollars (\$7,500)".

2. On page 3, line 7, strike "ten thousand dollars (\$10,000)" and insert in lieu thereof "seven thousand five hundred dollars (\$7,500)".

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

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HF1/SB 227

Page 12

R. David Pederson

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION

HF1/SB 227

Page 13

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 1, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 227

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

1 HF1 /SB 227

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Date _____

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6 The roll call vote was 6 For 1 Against

7 Yes: 6

8 No: Sanchez

9 Excused: Tsosie

10 Absent: None

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12 S0227JU1

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