

AN ACT

RELATING TO FINANCING A PARKING FACILITY; AUTHORIZING THE
ISSUANCE OF NEW MEXICO FINANCE AUTHORITY REVENUE BONDS FOR A
NEW PARKING FACILITY ADJACENT TO THE NEW BERNALILLO COUNTY
METROPOLITAN COURT BUILDING; AMENDING COURT FEES; AMENDING
AND ENACTING SECTIONS OF THE NMSA 1978; MAKING
APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. USE OF PARKING FACILITY NEAR BERNALILLO
COUNTY METROPOLITAN COURT.--The Bernalillo county
metropolitan court shall administer and manage a parking
facility adjacent to the Bernalillo county metropolitan
court in Albuquerque in accordance with the following
provisions:

A. parking fees or the rents charged by the
Bernalillo county metropolitan court to any public or
private tenant or user of the parking facility shall be at
rates comparable to parking fees charged in the downtown
Albuquerque area for similar parking privileges or rents
charged in the downtown Albuquerque area for similar space;

B. after payment of all fixed costs related to
the parking facility and all costs of operating and
maintaining the parking facility, all rents, parking fees
and charges collected by the Bernalillo county metropolitan

court for the parking facility shall be deposited in the court facilities fund;

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

D. with the prior written consent of the New Mexico finance authority, the Bernalillo county metropolitan court may sell or otherwise dispose of the parking facility; provided that no sale or disposition of the parking facility shall be for less than the fair market value of the parking facility as determined by an independent real estate appraiser; and

E. any money received from the sale or other disposition of the parking facility shall be deposited in the court facilities fund and used for the early redemption of any outstanding bonds issued by the New Mexico finance authority for financing the parking facility adjacent to the Bernalillo county metropolitan court building in Albuquerque.

Section 2. NEW MEXICO FINANCE AUTHORITY REVENUE BONDS--
-PURPOSE--APPROPRIATION.--

A. If the twenty-four-dollar (\$24.00) court facilities fees provided in Sections 35-6-1 and 66-8-116.3 NMSA 1978 are imposed by law and all distributions to the

court facilities fund provided in this act become law, the New Mexico finance authority may issue and sell revenue bonds in compliance with the New Mexico Finance Authority Act in installments or at one time in an amount not exceeding eleven million four hundred thousand dollars (\$11,400,000) for the purpose of financing the acquisition of real property for and the design, construction, furnishing and equipping of a parking facility adjacent to the new Bernalillo county metropolitan court building.

B. The New Mexico finance authority may issue and sell revenue bonds authorized by this section when the chief metropolitan judge of the Bernalillo county metropolitan court and the court administrator of the Bernalillo county metropolitan court certify the need for issuance of the bonds. The net proceeds from the sale of the bonds are appropriated to the Bernalillo county metropolitan court for the purpose described in Subsection A of this section.

C. The money distributed from the court facilities fund to the New Mexico finance authority shall be deposited in a special bond fund or account and pledged irrevocably for the payment of the principal, interest and other expenses or obligations related to the bonds.

D. Until all bonds authorized by this section and by Section 34-9-16 NMSA 1978 are issued, an amount shall

be transferred annually to the magistrate and metropolitan court capital fund equal to the money on deposit in the special bond fund or account in excess of the combined total of:

(1) the principal, interest and other expenses or obligations related to the bonds coming due in that fiscal year; and

(2) six hundred thousand dollars (\$600,000) per year from the annual lease and rental revenues anticipated to be deposited in the court facilities fund.

E. After all bonds authorized by this section and by Section 34-9-16 NMSA 1978 are issued, up to one million five hundred thousand dollars (\$1,500,000) of any money on deposit in the special bond fund or account in excess of the combined total of the principal, interest and other expenses or obligations related to the bonds coming due in that fiscal year and six hundred thousand dollars (\$600,000) per year from the annual lease and rental revenues anticipated to be deposited in the court facilities fund shall be transferred annually to the magistrate and metropolitan court capital fund. Any amount in the special bond fund or account at the end of each fiscal year not transferred to the magistrate and metropolitan court capital fund shall be used for early redemption of bonds during the

succeeding fiscal year.

F. Upon payment of all principal, interest and other expenses or obligations related to the bonds, the New Mexico finance authority shall certify to the administrative office of the courts that all obligations for the bonds issued pursuant to this section have been fully discharged and direct the administrative office of the courts and the state treasurer to cease distributing money from the court facilities fund to the New Mexico finance authority and to transfer the money from the court facilities fund to the magistrate and metropolitan court capital fund.

G. Any law imposing court facilities fees, authorizing the collection of court facilities fees or directing deposits of parking fees and charges, lease and rental revenues, or other money into the court facilities fund or distribution of the money in the court facilities fund to the New Mexico finance authority, shall not be amended, repealed or otherwise directly or indirectly modified so as to impair outstanding revenue bonds that may be secured by a pledge of the distributions from the court facilities fund to the New Mexico finance authority, unless the revenue bonds have been discharged in full or provisions have been made for a full discharge.

H. The New Mexico finance authority may additionally secure the revenue bonds issued pursuant to

this section by a pledge of money in the public project revolving fund with a lien priority on the money in the public project revolving fund as determined by the New Mexico finance authority.

Section 3. Section 7-27-5 NMSA 1978 (being Laws 1983, Chapter 306, Section 7, as amended) is amended to read:

"7-27-5. INVESTMENT OF SEVERANCE TAX PERMANENT FUND.--
The severance tax permanent fund shall be invested for two general purposes, to provide income to the fund and to stimulate the economy of New Mexico, preferably on a continuing basis. The investments in Sections 7-27-5.1 and 7-27-5.6 NMSA 1978 shall be those intended to provide maximum income to the fund and shall be referred to as the market rate investments. The investments permitted in Sections 7-27-5.3 through 7-27-5.5, 7-27-5.13 through 7-27-5.17, 7-27-5.22, 7-27-5.24 and 7-27-5.25 NMSA 1978 shall be those intended to stimulate the economy of New Mexico and shall be referred to as the differential rate investments. The prudent man rule shall be applied to the market rate investments, and the state investment officer shall keep separate records of the earnings of the market rate investments. All transactions entered into on or after July 1, 1991 shall be accounted for in accordance with generally accepted accounting principles."

Section 4. A new section of the Severance Tax Bonding Act, Section 7-27-5.25 NMSA 1978, is enacted to read:

"7-27-5.25. SEVERANCE TAX PERMANENT FUND--INVESTMENT IN OBLIGATIONS ISSUED FOR A PARKING FACILITY NEAR THE NEW BERNALILLO COUNTY METROPOLITAN COURT BUILDING IN ALBUQUERQUE.--Subject to the approval of the state investment council, the severance tax permanent fund may be invested in revenue bonds issued by the New Mexico finance authority for the acquisition of real property for and the design, construction, furnishing and equipping of a parking facility adjacent to the new Bernalillo county metropolitan court building in Albuquerque. The amount invested shall not exceed eleven million four hundred thousand dollars (\$11,400,000)."

Section 5. Section 34-9-14 NMSA 1978 (being Laws 1998 (1st S.S.), Chapter 6, Section 7) is amended to read:

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

A. The "court facilities fund" is created in the state treasury and shall be administered by the administrative office of the courts. The fund shall consist of court fees and lease and rental revenues transferred to or deposited in the fund.

B. All court facilities fees and other revenues deposited in the fund shall be distributed monthly to the

New Mexico finance authority for deposit in a special bond fund or account of the authority. The New Mexico finance authority may pledge irrevocably all of these distributions to the authority for the payment of principal, interest and any other expenses or obligations related to the bonds issued by the authority for financing the acquisition of real property and for the design, construction, furnishing and equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque and of a parking facility adjacent to the court building.

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

Section 6. Section 35-6-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 92, as amended) is amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF "CONVICTED".--

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

docket fee, criminal actions under Section 29-5-1 NMSA
1978 \$ 1.00;

docket fee, to be collected prior to docketing any other

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criminal action, except as provided in Subsection B
of Section 35-6-3 NMSA 1978 20.00.

Proceeds from this docket fee shall be transferred
to the administrative office of the courts for
deposit in the court facilities fund;

docket fee, ten dollars (\$10.00) of which shall be
deposited in the court automation fund, to be
collected prior to docketing any civil action,

except

as provided in Subsection A of Section 35-6-3 NMSA
1978 47.00;

jury fee, to be collected from the party demanding trial
by jury in any civil action at the time the demand

is

filed or made 25.00;

copying fee, for making and certifying copies of any
records in the court, for each page copied by
photographic process50.

Proceeds from this copying fee shall be transferred
to the administrative office of the courts for
deposit in the court facilities fund; and

copying fee, for computer-generated or electronically
transferred copies, per page 1.00.

Proceeds from this copying fee shall be transferred
to the administrative office of the courts for

deposit in the court automation fund.

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

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

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

D. As used in this subsection, "convicted" means the defendant has been found guilty of a criminal charge by the magistrate or metropolitan judge, either after trial, a plea of guilty or a plea of nolo contendere. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

(1) corrections fee in any county without a metropolitan court, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may

be enforced by the imposition of a term of imprisonment
. \$10.00;

(2) court automation fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment 10.00;

(3) traffic safety fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 3.00;

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of imprisonment 1.00;

(5) brain injury services fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 5.00;

and

(6) court facilities fee, to be collected upon HB 217
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conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment as follows:

- in a county with a metropolitan court 24.00;
- in any other county 10.00.

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

Section 7. Section 66-8-116.3 NMSA 1978 (being Laws 1989, Chapter 320, Section 5, as amended) is amended to read:

"66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--
ADDITIONAL FEES.--In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. in a county without a metropolitan court, ten dollars (\$10.00) to help defray the costs of local government corrections;

B. a court automation fee of ten dollars (\$10.00);

C. a traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;

D. a judicial education fee of one dollar (\$1.00), which shall be credited to the judicial education fund;

E. a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund; and

F. a court facilities fee as follows:

in a county with a metropolitan court 24.00;

in any other county 10.00."

Section 8. APPROPRIATIONS.--

A. Eight million one hundred thousand dollars (\$8,100,000) is appropriated from the magistrate and metropolitan court capital fund to the Bernalillo county metropolitan court for expenditure in fiscal years 2000 through 2004 for acquisition of real property for and the design, construction, furnishing and equipping of a new court building for the Bernalillo county metropolitan court in Albuquerque and of a parking facility adjacent to the new Bernalillo county metropolitan court building or to repay a loan from the New Mexico finance authority for any of these

purposes. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the magistrate and metropolitan court capital fund.

B. One million dollars (\$1,000,000) is appropriated from the magistrate and metropolitan court capital fund to the administrative office of the courts for expenditure in fiscal year 2001 for securing, equipping and studying the costs and benefits of leasing and purchasing magistrate court facilities. Any unexpended or unencumbered balance remaining at the end of fiscal year 2001 shall not revert to the magistrate and metropolitan court capital fund.

Section 9. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.
