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HOUSE BILL 217

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Henry "Kiki" Saavedra

FOR THE LEGISLATIVE FINANCE COMMITTEE

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. [NEW MATERIAL] 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

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1 comparable to parking fees charged in the downtown
2 Albuquerque area for similar parking privileges or rents
3 charged in the downtown Albuquerque area for similar space;

4 B. after payment of all fixed costs related to the
5 parking facility and all costs of operating and maintaining
6 the parking facility, all rents, parking fees and charges
7 collected by the Bernalillo county metropolitan court for the
8 parking facility shall be deposited in the court facilities
9 fund;

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

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

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

Section 2. [NEW MATERIAL] NEW MEXICO FINANCE AUTHORITY

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1 REVENUE BONDS--PURPOSE--APPROPRIATION.--

2 A. If the twenty-four-dollar (\$24.00) court
3 facilities fees provided in Sections 34-9-14 and 35-6-1 NMSA
4 1978 are imposed by law and all distributions to the court
5 facilities fund provided in this act become law, the New
6 Mexico finance authority may issue and sell revenue bonds in
7 compliance with the New Mexico Finance Authority Act in
8 installments or at one time in an amount not exceeding eleven
9 million four hundred thousand dollars (\$11,400,000) for the
10 purpose of financing the acquisition of real property for and
11 the design, construction, furnishing and equipping of a
12 parking facility adjacent to the new Bernalillo county
13 metropolitan court building.

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

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

 D. At the end of each fiscal year until all bonds

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1 authorized by this section and by Section 34-9-16 NMSA 1978
2 are issued, any money remaining in the special bond fund or
3 account, after all principal, interest and other expenses or
4 obligations related to the bonds in that fiscal year are
5 fully paid and after an amount not to exceed six hundred
6 thousand dollars (\$600,000) per year from the annual lease
7 and rental revenues anticipated to be deposited in the court
8 facilities fund is retained in that fund or account shall be
9 transferred to the magistrate and metropolitan court capital
10 fund.

11 E. At the end of each fiscal year, after all bonds
12 authorized by this section and by Section 34-9-16 NMSA 1978
13 are issued, after all principal, interest and other expenses
14 or obligations related to the bonds in that fiscal year are
15 fully paid and after an amount not to exceed six hundred
16 thousand dollars (\$600,000) per year from the annual lease
17 and rental revenues anticipated to be deposited in the court
18 facilities fund is retained in the special bond fund or
19 account, an amount not to exceed one million five hundred
20 thousand dollars (\$1,500,000) shall be transferred to the
21 magistrate and metropolitan court capital fund. Any amount
22 in the special bond fund or account at the end of each fiscal
23 year in excess of the amount transferred to the magistrate
24 and metropolitan court capital fund shall be used for early
25 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

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1 Mexico finance authority shall certify to the administrative
2 office of the courts that all obligations for the bonds
3 issued pursuant to this section have been fully discharged
4 and direct the administrative office of the courts and the
5 state treasurer to cease distributing money from the court
6 facilities fund to the New Mexico finance authority and to
7 transfer the money from the court facilities fund to the
8 magistrate and metropolitan court capital fund.

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

21 H. The New Mexico finance authority may
22 additionally secure the revenue bonds issued pursuant to this
23 section by a pledge of money in the public project revolving
24 fund with a lien priority on the money in the public project
25 revolving fund as determined by the New Mexico finance
authority.

Section 3. Section 7-27-5 NMSA 1978 (being Laws 1983,

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1 Chapter 306, Section 7, as amended) is amended to read:

2 "7-27-5. INVESTMENT OF SEVERANCE TAX PERMANENT FUND.--
3 The severance tax permanent fund shall be invested for two
4 general purposes, to provide income to the fund and to
5 stimulate the economy of New Mexico, preferably on a
6 continuing basis. The investments in Sections 7-27-5.1 and
7 7-27-5.6 NMSA 1978 shall be those intended to provide maximum
8 income to the fund and shall be referred to as the market
9 rate investments. The investments permitted in Sections 7-
10 27-5.3 through 7-27-5.5, 7-27-5.13 through 7-27-5.17, 7-27-
11 5.22, ~~and~~ 7-27-5.24 and 7-27-5.25 NMSA 1978 shall be those
12 intended to stimulate the economy of New Mexico and shall be
13 referred to as the differential rate investments. The
14 prudent man rule shall be applied to the market rate
15 investments, and the state investment officer shall keep
16 separate records of the earnings of the market rate
17 investments. All transactions entered into on or after July
18 1, 1991 shall be accounted for in accordance with generally
19 accepted accounting principles."

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

22 "7-27-5.25. [NEW MATERIAL] SEVERANCE TAX PERMANENT FUND--
23 -INVESTMENT IN OBLIGATIONS ISSUED FOR A PARKING FACILITY NEAR
24 THE NEW BERNALILLO COUNTY METROPOLITAN COURT BUILDING IN
25 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

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1 the acquisition of real property for and the design,
2 construction, furnishing and equipping of a parking facility
3 adjacent to the new Bernalillo county metropolitan court
4 building in Albuquerque. The amount invested shall not exceed
5 eleven million four hundred thousand dollars (\$11,400,000)."

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

8 "34-9-14. COURT FACILITIES FUND CREATED--ADMINISTRATION--
9 DISTRIBUTION.--

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

15 B. All court facilities fees and other revenues
16 deposited in the fund shall be distributed monthly to the New
17 Mexico finance authority for deposit in a special bond fund
18 or account of the authority. The New Mexico finance
19 authority may pledge irrevocably all of these distributions
20 to the authority for the payment of principal, interest and
21 any other expenses or obligations related to the bonds issued
22 by the authority for financing the acquisition of real
23 property and for the design, construction, furnishing and
24 equipping of a new court building for the Bernalillo county
25 metropolitan court in Albuquerque and of a parking facility
adjacent to the court building.

C. Distributions from the court facilities fund to

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1 the New Mexico finance authority shall be made upon vouchers
2 issued and signed by the director of the administrative
3 office of the courts upon warrants drawn by the secretary of
4 finance and administration."

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

7 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
8 "CONVICTED".--

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

12 docket fee, criminal actions under Section 29-5-1 NMSA
13 1978 \$ 1.00;

14 docket fee, to be collected prior to docketing any other
15 criminal action, except as provided in Subsection B
16 of Section 35-6-3 NMSA 1978 20.00.

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

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

23 except

24 as provided in Subsection A of Section 35-6-3 NMSA
25 1978 47.00;

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

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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

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1 plea of guilty or a plea of nolo contendere. Magistrate
2 judges, including metropolitan court judges, shall assess and
3 collect and shall not waive, defer or suspend the following
4 costs:

5 (1) corrections fee in any county without a
6 metropolitan court, to be collected upon conviction from
7 persons convicted of violating any provision of the Motor
8 Vehicle Code involving the operation of a motor vehicle,
9 convicted of a crime constituting a misdemeanor or a petty
10 misdemeanor or convicted of violating any ordinance that may
11 be enforced by the imposition of a term of imprisonment
12 \$10.00;

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

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

24 (4) judicial education fee, to be collected
25 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

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1 convicted of violating any ordinance punishable by a term of
2 imprisonment 1.00;

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

7 and

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

15 in a county with a metropolitan court . . . [~~14.00~~] 24.00;

16 in any other county 10.00.

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

23 Section 7. Section 66-8-116.3 NMSA 1978 (being Laws
24 1989, Chapter 320, Section 5, as amended) is amended to read:

25 "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:

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

4 B. a court automation fee of ten dollars
5 (\$10.00);

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

9 D. a judicial education fee of one dollar
10 (\$1.00), which shall be credited to the judicial education
11 fund;

12 E. a brain injury services fee of five dollars
13 (\$5.00), which shall be credited to the brain injury services
14 fund; and

15 F. a court facilities fee as follows:
16 in a county with a metropolitan court . [~~14.00~~] 24.00;
17 in any other county 10.00."

18 Section 8. APPROPRIATION.--Eight million one hundred
19 thousand dollars (\$8,100,000) is appropriated from the
20 magistrate and metropolitan court capital fund to the
21 Bernalillo county metropolitan court for expenditure in
22 fiscal years 2000 through 2004 for acquisition of real
23 property for and the design, construction, furnishing and
24 equipping of a new court building for the Bernalillo county
25 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

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1 authority for any of these purposes. Any unexpended or
2 unencumbered balance remaining at the end of fiscal year 2004
3 shall revert to the magistrate and metropolitan court capital
4 fund.

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

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