

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 542

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

William H. Payne

AN ACT

**RELATING TO THE BERNALILLO COUNTY METROPOLITAN COURT;
TRANSFERRING THE TITLE OF THE EXISTING FACILITY TO THE GENERAL
SERVICES DEPARTMENT; AMENDING CERTAIN SECTIONS OF LAW RELATING
TO NEW MEXICO FINANCE AUTHORITY REVENUE BONDS; MAKING AN
APPROPRIATION FOR PURPOSES PERTAINING TO A NEW COURT FACILITY.**

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

**Section 1. Section 34-9-15 NMSA 1978 (being Laws 1998
(1st S.S.), Chapter 6, Section 8) is amended to read:**

**"34-9-15. USE OF BERNALILLO COUNTY METROPOLITAN COURT
FACILITIES. -- The administrative office of the courts, as
holder of record title to the existing Bernalillo county
metropolitan court building located on the northwest corner of
Fourth street and Roma avenue northwest in Albuquerque, shall
administer and manage the building in accordance with the**

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 following provisions:

2 A. after completion of a new Bernalillo county
3 metropolitan court facility with proceeds of bonds issued by
4 the New Mexico finance authority, the entire operations,
5 judges, staff and personnel associated with the Bernalillo
6 county metropolitan court shall be relocated to the new
7 facility and the existing facility shall be vacated; and

8 B. the administrative office of the courts shall
9 then ~~[make the vacated facility ready and available for lease~~
10 ~~or rent to public or private tenants;~~

11 ~~C. rents charged by the administrative office of~~
12 ~~the courts to any public or private tenant for use of the~~
13 ~~facility shall be at rates comparable to rents charged in the~~
14 ~~downtown Albuquerque area for commercial office space;~~

15 ~~D. after payment of any costs of operating and~~
16 ~~maintaining a commercial office facility typically paid by a~~
17 ~~commercial landlord, all lease and rental revenues collected~~
18 ~~by the administrative office of the courts for the facility~~
19 ~~shall be deposited in the court facilities fund;~~

20 ~~E. the administrative office of the courts shall~~
21 ~~provide a certified tenant list and rent schedule for the~~
22 ~~facility to the New Mexico finance authority at the end of~~
23 ~~each fiscal year;~~

24 ~~F. with the prior written consent of the New~~
25 ~~Mexico finance authority, the administrative office of the~~

underscored material = new
[bracketed material] = delete

1 ~~courts may mortgage or encumber the facility or sell or~~
2 ~~otherwise dispose of the facility; provided that no sale or~~
3 ~~disposition of the facility shall be for less than the fair~~
4 ~~market value of the facility as determined by an independent~~
5 ~~real estate appraiser; and~~

6 G. ~~any money received from the sale or other~~
7 ~~disposition of the facility shall be deposited in the court~~
8 ~~facilities fund and used for the early redemption of any~~
9 ~~outstanding bonds issued by the New Mexico finance authority~~
10 ~~for financing a new court building for the Bernalillo county~~
11 ~~metropolitan court in Albuquerque] transfer the record title~~
12 ~~of the vacated facility to the general services department for~~
13 ~~the express purpose of leasing the facility to the district~~
14 ~~public defender or other state agencies. "~~

15 Section 2. Section 34-9-16 NMSA 1978 (being Laws 1998
16 (1st S.S.), Chapter 6, Section 9) is amended to read:

17 "34-9-16. NEW MEXICO FINANCE AUTHORITY REVENUE BONDS--
18 PURPOSE-- APPROPRIATION. --

19 A. If the fourteen dollar (\$14.00) metropolitan
20 court facilities fees and the ten dollar (\$10.00) magistrate
21 court facilities fees provided in Sections [3 and 4 of this
22 act] 35-6-1 and 66-8-116.3 NMSA 1978 are imposed by law [and
23 all distributions to the court facilities fund provided in
24 this act become law], the New Mexico finance authority may
25 issue and sell revenue bonds in compliance with the New Mexico

. 135374. 3

underscored material = new
[bracketed material] = delete

1 Finance Authority Act in installments or at one time in an
2 amount not exceeding forty-six million five hundred thousand
3 dollars (\$46,500,000) for the purpose of financing the
4 acquisition of real property for and the design, construction,
5 furnishing and equipping of a new court building for the
6 Bernalillo county metropolitan court in Albuquerque.

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

15 C. The money distributed from the court facilities
16 fund to the New Mexico finance authority shall be pledged
17 irrevocably for the payment of the principal, interest and
18 other expenses or obligations related to the bonds.

19 D. ~~[At the end of each fiscal year, any money~~
20 ~~remaining in the special bond fund or account, after all~~
21 ~~principal, interest and other expenses or obligations related~~
22 ~~to the bonds in that fiscal year are fully paid and after an~~
23 ~~amount not to exceed six hundred thousand dollars (\$600,000)~~
24 ~~per year from the annual lease and rental revenues anticipated~~
25 ~~to be deposited in the court facilities fund is retained in~~

underscored material = new
[bracketed material] = delete

1 ~~that fund or account, shall be transferred to the magistrate~~
2 ~~and metropolitan court capital fund.]~~ After all bonds
3 authorized by this section and Laws 2000, Chapter 5, Section 2
4 are issued, up to one million five hundred thousand dollars
5 (\$1,500,000) of any money on deposit in the special bond fund
6 or account in excess of the combined total of the principal,
7 interest and other expenses or obligations related to the
8 bonds coming due in that fiscal year shall be transferred
9 annually to the magistrate and metropolitan court capital
10 fund. Any amount in the special bond fund or account at the
11 end of each fiscal year not transferred to the magistrate and
12 metropolitan court capital fund shall be used during the
13 succeeding fiscal year for early redemption of bonds selected
14 at the discretion of the New Mexico finance authority. Upon
15 payment of all principal, interest and other expenses or
16 obligations related to the bonds, the authority shall certify
17 to the administrative office of the courts that all
18 obligations for the bonds issued pursuant to this section have
19 been fully discharged and direct the administrative office of
20 the courts and the state treasurer to cease distributing money
21 from the court facilities fund to the authority and to
22 transfer the money from the court facilities fund to the
23 magistrate and metropolitan court capital fund.

24 E. Any law imposing court facilities fees,
25 authorizing the collection of court facilities fees or

underscored material = new
[bracketed material] = delete

1 directing deposits into the court facilities fund or
2 distribution of the money in the court facilities fund to the
3 New Mexico finance authority shall not be amended, repealed or
4 otherwise directly or indirectly modified so as to impair
5 outstanding revenue bonds that may be secured by a pledge of
6 the distributions from the court facilities fund to the New
7 Mexico finance authority, unless the revenue bonds have been
8 discharged in full or provisions have been made for a full
9 discharge.

10 F. The New Mexico finance authority may
11 additionally secure the revenue bonds issued pursuant to this
12 section by a pledge of money in the public project revolving
13 fund with a lien priority on the money in the public project
14 revolving fund as determined by the authority. "

15 Section 3. Laws 2000, Chapter 5, Section 2 is amended to
16 read:

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

19 A. If the twenty-four-dollar (\$24.00) court
20 facilities fees provided in Sections 35-6-1 and 66-8-116.3
21 NMSA 1978 are imposed by law and all distributions to the
22 court facilities fund provided in this act become law, the New
23 Mexico finance authority may issue and sell revenue bonds in
24 compliance with the New Mexico Finance Authority Act in
25 installments or at one time in an amount not exceeding eleven

. 135374. 3

underscored material = new
[bracketed material] = delete

1 million four hundred thousand dollars (\$11,400,000) for the
2 purpose of financing the acquisition of real property for and
3 the design, construction, furnishing and equipping of a
4 parking facility adjacent to the new Bernalillo county
5 metropolitan court building.

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

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

19 D. Until all bonds authorized by this section and
20 by Section 34-9-16 NMSA 1978 are issued, an amount shall be
21 transferred annually to the magistrate and metropolitan court
22 capital fund equal to the money on deposit in the special bond
23 fund or account in excess of the combined total of [~~(1)~~] the
24 principal, interest and other expenses or obligations related
25 to [~~the~~] all bonds coming due in that fiscal year. [~~and~~

underscored material = new
[bracketed material] = delete

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

4 E. After all bonds authorized by this section and
5 by Section 34-9-16 NMSA 1978 are issued, up to one million
6 five hundred thousand dollars (\$1,500,000) of any money on
7 deposit in the special bond fund or account in excess of the
8 combined total of the principal, interest and other expenses
9 or obligations related to the bonds coming due in that fiscal
10 year [~~and six hundred thousand dollars (\$600,000) per year~~
11 ~~from the annual lease and rental revenues anticipated to be~~
12 ~~deposited in the court facilities fund]~~ shall be transferred
13 annually to the magistrate and metropolitan court capital
14 fund. Any amount in the special bond fund or account at the
15 end of each fiscal year not transferred to the magistrate and
16 metropolitan court capital fund shall be used [~~for early~~
17 ~~redemption of bonds]~~ during the succeeding fiscal year for
18 early redemption of bonds selected at the discretion of the
19 New Mexico finance authority.

20 F. Upon payment of all principal, interest and
21 other expenses or obligations related to the bonds, the New
22 Mexico finance authority shall certify to the administrative
23 office of the courts that all obligations for the bonds issued
24 pursuant to this section have been fully discharged and direct
25 the administrative office of the courts and the state

underscored material = new
[bracketed material] = delete

1 treasurer to cease distributing money from the court
2 facilities fund to the New Mexico finance authority and to
3 transfer the money from the court facilities fund to the
4 magistrate and metropolitan court capital fund.

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

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

23 Section 4. APPROPRIATION. -- Seven million four hundred
24 thousand dollars (\$7,400,000) is appropriated from the general
25 fund to the Bernalillo county metropolitan court for

. 135374. 3

underscored material = new
[bracketed material] = delete

1 expenditure in fiscal years 2001 through 2004 for acquisition
2 of real property for or the design, construction, furnishing
3 or equipping of a new court building for the Bernalillo county
4 metropolitan court in Albuquerque or to repay a loan from the
5 New Mexico finance authority for any of these purposes. Any
6 unexpended or unencumbered balance remaining at the end of
7 fiscal year 2004 shall revert to the general fund.

8 - 10 -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25