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HOUSE BILL 385

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sarah Maestas Barnes

AN ACT

RELATING TO DISTRICT COURTS; AMENDING AND REPEALING CERTAIN SECTIONS OF THE NMSA 1978 RELATING TO ALTERNATIVE DISPUTE RESOLUTION PROGRAMS; ALLOWING DISTRICT COURTS TO REQUIRE PARTIES TO PAY COSTS FOR AN ALTERNATIVE DISPUTE RESOLUTION PROGRAM ON A SLIDING FEE SCALE.

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

SECTION 1. Section 34-6-45 NMSA 1978 (being Laws 1986, Chapter 26, Section 2, as amended) is amended to read:

"34-6-45. DISTRICT COURTS--ALTERNATIVE DISPUTE RESOLUTION--~~[FEE]~~ PROGRAMS--ALTERNATIVE DISPUTE RESOLUTION FUND.--

A. Any judicial district court may establish alternative dispute resolution programs by judicial district court rule approved by the supreme court, including

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1 arbitration, mediation and settlement facilitation programs.

2 B. The district court may require the parties to
3 pay a fee for services rendered through an alternative dispute
4 resolution program pursuant to a sliding fee scale based on
5 ability to pay approved by the supreme court. The district
6 court may order parties to pay either the court or the
7 alternative dispute resolution provider for services rendered.

8 C. A district court that collects a fee for an
9 alternative dispute resolution program shall create an
10 alternative dispute resolution fund of the district court.
11 Money in the fund shall be used to defray the cost of operating
12 alternative dispute resolution programs. No part of the fund
13 shall revert at the end of any fiscal year.

14 D. In addition to fees collected pursuant to, and
15 subject to exceptions set forth in, Section 34-6-40 NMSA 1978
16 for docketing of civil cases, in any judicial district court
17 that has established an alternative dispute resolution program
18 [by judicial district court rule approved by the supreme court,
19 including but not limited to arbitration, mediation and
20 settlement facilitation programs], the district court clerk
21 shall collect a fee of fifteen dollars (\$15.00) on all new and
22 reopened civil cases except domestic relations cases. The fee
23 shall be deposited for credit to the district court alternative
24 dispute resolution fund [pursuant to the provisions of Section
25 34-6-37 NMSA 1978].

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1 E. Fees paid by parties to the district court for
2 alternative dispute resolution services rendered shall be
3 deposited for credit to the district court alternative dispute
4 resolution fund."

5 SECTION 2. REPEAL.--Section 34-6-44 NMSA 1978 (being Laws
6 1986, Chapter 26, Section 1, as amended) is repealed.

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