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HOUSE BILL 490

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TERRY T. MARQUARDT

AN ACT

RELATING TO WAGE CLAIMS; AUTHORIZING THE DIRECTOR OF THE LABOR AND INDUSTRIAL DIVISION OF THE LABOR DEPARTMENT TO APPEAR WITHOUT COUNSEL IN MAGISTRATE AND METROPOLITAN COURTS.

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

Section 1. Section 50-4-12 NMSA 1978 (being Laws 1937, Chapter 109, Section 13, as amended) is amended to read:

"50-4-12. WAGE CLAIM ACTIONS-- COSTS-- JURISDICTION-- REPRESENTATION BY DISTRICT ATTORNEY-- APPEALS. --

~~[(a)]~~ A. In all actions brought by the ~~[labor commissioner]~~ director of the labor and industrial division of the labor department as assignee under the provisions of ~~[the preceding section]~~ Section 50-4-11 NMSA 1978, the ~~[labor commissioner]~~ director shall be entitled to free process and shall not be obligated or required to give any bond or other

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1 security for costs.

2           ~~[(b)]~~ B. Any sheriff, constable or other officer  
3 requested by the ~~[labor commissioner]~~ director to serve any  
4 summons, writ, complaint or order shall do so without requiring  
5 the ~~[labor commissioner]~~ director to ~~[advance the]~~ pay any fees  
6 or furnish any security or bond ~~[therefor]~~.

7           ~~[(c)]~~ C. Where ~~[the claim or]~~ all claims ~~[are less~~  
8 ~~or when]~~ joined together ~~[are less]~~ do not exceed in the  
9 aggregate ~~[than]~~ the ~~[sum of two hundred dollars (\$200)]~~  
10 jurisdictional limit of the magistrate or metropolitan court,  
11 the ~~[labor commissioner]~~ director may institute an action  
12 ~~[therefor]~~ against the employer in any ~~[justice of the peace]~~  
13 magistrate or metropolitan court having jurisdiction without  
14 referring the ~~[same]~~ claim to the district attorney. In the  
15 event that during the course of the proceedings representation  
16 by an attorney at law ~~[to represent the labor commissioner]~~  
17 becomes necessary or, in his judgment, advisable, ~~[it shall be~~  
18 ~~his duty to]~~ the director shall so notify the district attorney  
19 ~~[of the pendency of said cause and the date of the hearing~~  
20 ~~thereof]~~, and it shall then be the duty of ~~[said]~~ the district  
21 attorney ~~[to appear by himself]~~ or his assistant to appear for  
22 ~~[in said justice of the peace court and represent said labor~~  
23 ~~commissioner in such]~~ the director in the cause.

24           D. In the event ~~[such]~~ the cause is appealed by the  
25 ~~[state labor commissioner or docketed in the district court for~~

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1 ~~judgment]~~ director, no bond or other security ~~[for costs]~~ shall  
2 be required or fees charged ~~[to the commissioner]~~ the director  
3 for court costs or sheriff's fees in serving process. "

**State of New Mexico**  
**House of Representatives**

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**FORTY- SECOND LEGISLATURE**  
**SECOND SESSION, 1996**

February 8, 1996

Mr. Speaker:

Your LABOR AND HUMAN RESOURCES COMMITTEE, to whom  
has been referred

HOUSE BILL 490

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
JUDICIARY COMMITTEE.

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

HB 490

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Respectfully submitted,

\_\_\_\_\_  
  
Vincent Gallegos, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

Excused: None

Absent: None

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# State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 12, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 490

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, line 17, strike "his" and insert in lieu  
thereof "the director's".

2. On page 2, line 21, strike "his" and insert in lieu  
thereof "the district attorney's".

FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Respectfully submitted,

\_\_\_\_\_  
Cisco McSorley, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: King, Luna, Pederson, Sanchez, R. G.

Absent: None

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 14, 1996

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 490, as amended

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

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

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**FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996**

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Date \_\_\_\_\_

The roll call vote was 8 For 0 Against  
Yes: 8  
No: 0  
Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar  
Absent: None

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