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SENATE BILL 359

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

INTRODUCED BY

SHANNON ROBINSON

AN ACT

RELATING TO COURTS; PROVIDING FOR AN ADDITIONAL JUDGE IN THE  
BERNALILLO COUNTY METROPOLITAN COURT; VESTING THE NEW  
METROPOLITAN COURT DIVISION WITH EXCLUSIVE JURISDICTION OVER  
ACTIONS ARISING UNDER CERTAIN COUNTY AND MUNICIPAL ORDINANCES;  
MAKING AN APPROPRIATION.

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

Section 1. Section 34-8A-3 NMSA 1978 (being Laws 1979,  
Chapter 346, Section 3, as amended) is amended to read:

"34-8A-3. METROPOLITAN COURT-- JURISDICTION. --

A. In addition to the jurisdiction provided by law  
for magistrate courts, a metropolitan court shall have  
jurisdiction within the county boundaries over all:

(1) offenses and complaints under ordinances of  
the county and of any municipality located within the county in

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1 which the court is located except municipalities with a  
2 population of more than two thousand five hundred but less than  
3 five thousand persons in the 1980 federal decennial census;  
4 provided that the metropolitan court shall not have jurisdiction  
5 over uncontested municipal parking violations;

6 (2) civil actions in which the debt or sum  
7 claimed does not exceed five thousand dollars (\$5,000) exclusive  
8 of interest and costs; and

9 (3) contested violations of parking or  
10 operation of vehicle regulations promulgated by a board of  
11 regents of a state educational institution designated in Article  
12 12, Section 11 of the constitution of New Mexico located within  
13 the county in which the court is located.

14 B. The metropolitan court for division sixteen shall  
15 have exclusive jurisdiction within the Bernalillo county  
16 metropolitan court over actions arising under county and  
17 municipal ordinances regarding the following matters:

18 (1) zoning;

19 (2) environmental health;

20 (3) public works;

21 (4) fire;

22 (5) animal care; and

23 (6) regulations.

24 [B.] C. For the purposes of this section,  
25 "uncontested violation" is a violation for which a citation has

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1 been issued and the person has paid the citation by mail or in  
2 person to the appropriate issuing authority; and "contested  
3 violation" is a violation for which a citation has been issued  
4 and the person had indicated his intent to contest the citation  
5 or the person has not paid or answered the citation.

6 [C-] D. The issuing authority shall provide to the  
7 metropolitan court on a mutually agreed schedule the unpaid  
8 citations and a listing in a manner mutually agreed upon of  
9 unpaid citations.

10 [D-] E. The municipality shall retain as  
11 reimbursement for its expenses all revenues from uncontested  
12 municipal parking violations. "

13 Section 2. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,  
14 Chapter 318, Section 2, as amended) is amended to read:

15 "34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF OFFICE--  
16 ELECTION. --

17 A. The elected term of office for each judge of the  
18 metropolitan court is four years.

19 B. Judges of the metropolitan court who have been  
20 previously elected in a partisan election or who were serving as  
21 metropolitan judges on January 1, 1989 in divisions one through  
22 twelve shall be subject to retention or rejection on a  
23 nonpartisan ballot at the 1990 general election for a four-year  
24 term ending December 31, 1994.

25 C. Any person appointed to fill a vacancy on the

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1 metropolitan court after January 1, 1989 shall serve until the  
2 next general election. That person's successor shall be chosen  
3 at that general election and shall hold the office until the  
4 general election four years later.

5 D. Judges of the Bernalillo county metropolitan  
6 court for divisions thirteen, fourteen and fifteen shall be  
7 appointed and shall serve until the 1992 general election.  
8 Their successors shall be chosen at that general election and  
9 shall hold office until the general election four years later.

10 E. The judge of the Bernalillo county metropolitan  
11 court for division sixteen shall be appointed pursuant to  
12 Article 6, Section 37 of the constitution of New Mexico and  
13 shall serve until the 1998 general election. The judge's  
14 successor shall be chosen at that general election and shall  
15 hold office until the general election four years later."

16 Section 3. Section 34-8A-8 NMSA 1978 (being Laws 1979,  
17 Chapter 346, Section 8, as amended) is amended to read:

18 "34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

19 A. The name of the metropolitan court in the  
20 Bernalillo metropolitan district shall be the "Bernalillo county  
21 metropolitan court".

22 B. The metropolitan court is an agency of the  
23 judicial department of state government. Personnel of the  
24 metropolitan court are subject to all laws and regulations  
25 applicable to state officers and agencies and state officers and

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1 employees, except where otherwise specifically provided by law.

2 C. There shall be [~~fifteen~~] sixteen judges of the  
3 Bernalillo county metropolitan court. "

4 Section 4. APPROPRIATION. -- Two hundred thousand dollars  
5 (\$200,000) is appropriated from the general fund to the  
6 Bernalillo county metropolitan court for expenditure in fiscal  
7 year 1997 for the purpose of paying salaries and benefits and  
8 providing furniture, equipment and supplies for a judge and  
9 support staff. Any unexpended or unencumbered balance remaining  
10 at the end of fiscal year 1997 shall revert to the general fund.

11 Section 5. EFFECTIVE DATE. -- The effective date of the  
12 provisions of this act is July 1, 1996.

13 - 5 -

1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996  
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5 JANUARY 29, 1996  
6

7 Mr. Presi dent:  
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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred  
10

11 SENATE BILL 359  
12

13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the JUDI CIARY  
15 COMMI TTEE.  
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17 Respectfully submi tted,  
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23 SENATOR MANNY M. ARAGON, Chai rman  
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Adopted \_\_\_\_\_

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

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
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SB 359/a

5 February 7, 1996  
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7 Mr. President:  
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9 Your JUDICIARY COMMITTEE, to whom has been referred  
10

11 SENATE BILL 359  
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13 has had it under consideration and reports same with recommendation that  
14 it DO PASS, amended as follows:  
15

16 1. On page 2, line 15, strike "exclusive" and insert in lieu  
17 thereof "primary".  
18

19 2. On page 4, line 13, after the period strike the remainder of  
20 the line, line 14 in its entirety and line 15 through "later."  
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22 and thence referred to the FINANCE COMMITTEE.  
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24 Respectfully submitted,  
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**FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996**

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Janice D. Paster, Chairman

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

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Paster, Sanchez, Tsosie

Absent: None

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