

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 595

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978 TO PROVIDE
FUNDING FOR EMERGENCY MEDICAL SERVICES, AMBULANCE SERVICES AND
RELATED REGIONAL OFFICES, PLANNING AND ADMINISTRATION;
PROVIDING FOR AN EMERGENCY MEDICAL SERVICES PROTECTION FUND FEE
TO BE ASSESSED FOR CERTAIN MISDEMEANORS TO FUND EMERGENCY
MEDICAL SERVICES; CREATING THE EMERGENCY MEDICAL SERVICES
PROTECTION FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] EMERGENCY MEDICAL SERVICES
PROTECTION FUND--DISTRIBUTIONS.--

A. The "emergency medical services protection fund"
is created in the state treasury. The fund shall consist of
proceeds from the emergency medical services protection fund

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1 fee imposed pursuant to Paragraph (8) Subsection D of Section
2 35-6-1 NMSA 1978, as well as any other gifts, grants, fees,
3 bequests or money otherwise accruing to the fund. Earnings
4 from investment of the fund shall be credited to the fund, and
5 money in the fund shall not revert or be transferred to any
6 other fund at the end of a fiscal year. Money in the fund
7 shall be appropriated by the legislature annually to the
8 department of health for the purposes set forth in Subsection B
9 of this section upon warrants drawn by the secretary of finance
10 and administration pursuant to vouchers signed by the secretary
11 of health or the secretary of health's authorized
12 representative.

13 B. For fiscal year 2012 and beyond, distributions
14 from the emergency medical services protection fund shall be
15 used only for the purposes set forth below, in amounts that the
16 secretary of health deems appropriate within the guidelines
17 indicated:

18 (1) no less than thirty-four percent of the
19 distributions shall be made to provide funds to ambulance
20 services that:

21 (a) receive less than one thousand
22 emergency calls per year; and

23 (b) have no paid, full-time personnel;

24 (2) no less than thirty-one percent of the
25 distributions shall be used to support local emergency medical

1 services entities that respond to at least twenty-five but not
2 more than one thousand emergency calls per year and that have
3 no paid, full-time personnel by providing funds for:

4 (a) the use of advanced technology
5 equipment;

6 (b) operational costs other than
7 salaries and benefits of local emergency medical services
8 personnel;

9 (c) the purchase, repair and maintenance
10 of emergency medical services ambulances, equipment and
11 supplies; and

12 (d) the training and licensing of local
13 emergency medical services personnel;

14 (3) no more than thirty-one percent of the
15 distributions shall be used for the department of health to
16 contract with nonprofit entities to establish or operate
17 regional offices that provide regional emergency medical
18 services planning and development services, technical
19 assistance and support and coordination with emergency medical
20 services agencies statewide; and

21 (4) no more than four percent of the
22 distributions shall be made to the department of health for
23 administration of the emergency medical services protection
24 fund.

25 C. As used in this section:

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1 (1) "ambulance" means a vehicle, including a
2 motor vehicle or watercraft, designed and used or intended to
3 be used for the transportation of sick or injured persons;

4 (2) "emergency medical services" means the
5 services rendered by providers in response to an individual's
6 need for immediate medical care to prevent loss of life or
7 aggravation of physical or psychological illness or injury;

8 (3) "local emergency medical services entity"
9 means an ambulance service, medical rescue service, fire
10 department rescue service, air ambulance service or other
11 prehospital care provider:

12 (a) that responds to an individual's
13 need for immediate medical care in order to prevent loss of
14 life or aggravation of physical or psychological illness or
15 injury on a routine, not seasonal, basis; and

16 (b) that meets department of health
17 guidelines concerning personnel training, use of run forms that
18 the emergency medical services bureau has approved,
19 participation in mutual aid agreements and medical control; and

20 (4) "regional office" means an emergency
21 medical services planning and development agency formally
22 recognized and supported by the department of health.

23 SECTION 2. Section 35-6-1 NMSA 1978 (being Laws 1968,
24 Chapter 62, Section 92, as amended) is amended to read:

25 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF

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1 "CONVICTED".--

2 A. Magistrate judges, including metropolitan court
3 judges, shall assess and collect and shall not waive, defer or
4 suspend the following costs:

5 docket fee, criminal actions under Section 29-5-1 NMSA
6 1978 \$ 1.00;

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

10 Proceeds from this docket fee shall be transferred
11 to the administrative office of the courts for
12 deposit in the court facilities fund;

13 docket fee, twenty dollars (\$20.00) of which shall be
14 deposited in the court automation fund and fifteen
15 dollars (\$15.00) of which shall be deposited in the
16 civil legal services fund, to be collected prior to
17 docketing any civil action, except as provided in
18 Subsection A of Section 35-6-3 NMSA 1978 . . 72.00;

19 jury fee, to be collected from the party demanding trial
20 by jury in any civil action at the time the demand
21 is filed or made 25.00;

22 copying fee, for making and certifying copies of any
23 records in the court, for each page copied by
24 photographic process [50] 0.50.

25 Proceeds from this copying fee shall be transferred

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1 to the administrative office of the courts for
 2 deposit in the court facilities fund; and
 3 copying fee, for computer-generated or electronically
 4 transferred copies, per page 1.00.
 5 Proceeds from this copying fee shall be transferred
 6 to the administrative office of the courts for
 7 deposit in the court automation fund.

8 Except as otherwise specifically provided by law, docket
 9 fees shall be paid into the court facilities fund.

10 B. Except as otherwise provided by law, no other
 11 costs or fees shall be charged or collected in the magistrate
 12 or metropolitan court.

13 C. The magistrate or metropolitan court may grant
 14 free process to any party in any civil proceeding or special
 15 statutory proceeding upon a proper showing of indigency. The
 16 magistrate or metropolitan court may deny free process if it
 17 finds that the complaint on its face does not state a cause of
 18 action.

19 D. As used in this subsection, "convicted" means the
 20 defendant has been found guilty of a criminal charge by the
 21 magistrate or metropolitan judge, either after trial, a plea of
 22 guilty or a plea of nolo contendere. Magistrate judges,
 23 including metropolitan court judges, shall assess and collect
 24 and shall not waive, defer or suspend the following costs:

- 25 (1) corrections fee, to be collected upon

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1 conviction from persons convicted of violating any provision of
2 the Motor Vehicle Code involving the operation of a motor
3 vehicle, convicted of a crime constituting a misdemeanor or a
4 petty misdemeanor or convicted of violating any ordinance that
5 may be enforced by the imposition of a term of imprisonment as
6 follows:

7 in a county with a metropolitan court \$10.00;

8 in a county without a metropolitan court 20.00;

9 (2) court automation fee, to be collected upon

10 conviction from persons convicted of violating any provision of
11 the Motor Vehicle Code involving the operation of a motor
12 vehicle, convicted of a crime constituting a misdemeanor or a
13 petty misdemeanor or convicted of violating any ordinance that
14 may be enforced by the imposition of a term of
15 imprisonment 10.00;

16 (3) traffic safety fee, to be collected upon

17 conviction from persons convicted of violating any provision of
18 the Motor Vehicle Code involving the operation of a motor
19 vehicle 3.00;

20 (4) judicial education fee, to be collected upon

21 conviction from persons convicted of operating a motor vehicle
22 in violation of the Motor Vehicle Code, convicted of a crime
23 constituting a misdemeanor or a petty misdemeanor or convicted
24 of violating any ordinance punishable by a term of
25 imprisonment 3.00;

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1 (5) jury and witness fee, to be collected upon
2 conviction from persons convicted of operating a motor vehicle
3 in violation of the Motor Vehicle Code, convicted of a crime
4 constituting a misdemeanor or a petty misdemeanor or convicted
5 of violating any ordinance punishable by a term of imprisonment
6 5.00;

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

11 [~~and~~]

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

19 in a county with a metropolitan court 24.00;

20 in any other county 10.00; and

21 (8) emergency medical services protection fund
22 fee, to be collected upon conviction from persons convicted of
23 operating a motor vehicle in violation of the Motor Vehicle
24 Code, convicted of a crime constituting a misdemeanor or a
25 petty misdemeanor or convicted of violating any ordinance

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1 punishable by a term of imprisonment. 5.00.

2 E. Metropolitan court judges shall assess and collect
3 and shall not waive, defer or suspend as costs a mediation fee
4 not to exceed five dollars (\$5.00) for the docketing of small
5 claims and criminal actions specified by metropolitan court
6 rule. Proceeds of the mediation fee shall be deposited into
7 the metropolitan court mediation fund."

8 SECTION 3. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
9 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and
10 also Laws 1989, Chapter 320, Section 5, as amended) is amended
11 to read:

12 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
13 FEES.--In addition to the penalty assessment established for
14 each penalty assessment misdemeanor, there shall be assessed:

15 A. in a county without a metropolitan court, twenty
16 dollars (\$20.00) to help defray the costs of local government
17 corrections;

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

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

22 D. a judicial education fee of three dollars (\$3.00),
23 which shall be credited to the judicial education fund;

24 E. a jury and witness fee of five dollars (\$5.00),
25 which shall be credited to the jury and witness fee fund;

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1 F. a juvenile adjudication fee of one dollar (\$1.00),
2 which shall be credited to the juvenile adjudication fund;

3 G. a brain injury services fee of five dollars
4 (\$5.00), which shall be credited to the brain injury services
5 fund;

6 H. a court facilities fee as follows:
7 in a county with a metropolitan court \$24.00;
8 in any other county 10.00;
9 [~~and~~]

10 I. an emergency medical services protection fund fee
11 of five dollars (\$5.00), which shall be credited to the
12 emergency medical services protection fund; and

13 [~~F.~~] J. until May 31, 2014, a magistrate courts
14 operations fee of four dollars (\$4.00), which shall be credited
15 to the magistrate courts operations fund."

16 SECTION 4. Section 66-8-119 NMSA 1978 (being Laws
17 1968, Chapter 62, Section 159, as amended) is amended to read:

18 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

19 A. The division shall remit all penalty assessment
20 receipts, except receipts collected pursuant to Subsections A
21 through [~~F.~~] J. of Section 66-8-116.3 NMSA 1978, to the state
22 treasurer for credit to the general fund.

23 B. The division shall remit all penalty assessment
24 fee receipts collected pursuant to:

25 (1) Subsection A of Section 66-8-116.3 NMSA 1978

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1 to the state treasurer for credit to the local government
2 corrections fund;

3 (2) Subsection B of Section 66-8-116.3 NMSA 1978
4 to the state treasurer for credit to the court automation fund;

5 (3) Subsection C of Section 66-8-116.3 NMSA 1978
6 to the state treasurer for credit to the traffic safety
7 education and enforcement fund;

8 (4) Subsection D of Section 66-8-116.3 NMSA 1978
9 to the state treasurer for credit to the judicial education
10 fund;

11 (5) Subsection E of Section 66-8-116.3 NMSA 1978
12 to the state treasurer for credit to the jury and witness fee
13 fund;

14 (6) Subsection F of Section 66-8-116.3 NMSA 1978
15 to the state treasurer for credit to the juvenile adjudication
16 fund;

17 (7) Subsection G of Section 66-8-116.3 NMSA 1978
18 to the state treasurer for credit to the brain injury services
19 fund;

20 (8) Subsection H of Section 66-8-116.3 NMSA 1978
21 to the state treasurer for credit to the court facilities fund;
22 [~~and~~]

23 (9) Subsection I of Section 66-8-116.3 NMSA 1978
24 to the state treasurer for credit to the emergency medical
25 services protection fund; and

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[~~(9)~~] (10) Subsection [~~F~~] J of Section

66-8-116.3 NMSA 1978 to the state treasurer for credit to the magistrate courts operations fund."

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