

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

HOUSE BILL 920

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

INTRODUCED BY

John A. Sanchez

AN ACT

RELATING TO CIVIL PROCEEDINGS; PROVIDING THAT THE ATTORNEY
GENERAL AND DISTRICT ATTORNEYS SHALL NOT BIND THE TAXATION AND
REVENUE DEPARTMENT WITH RESPECT TO HEARINGS UNDER THE IMPLIED
CONSENT ACT.

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

Section 1. Section 36-1-22 NMSA 1978 (being Laws 1875-
1876, Chapter 5, Section 1, as amended) is amended to read:

"36-1-22. POWERS-- COMPROMISES-- RELEASES-- ATTORNEY
GENERAL-- DISTRICT ATTORNEY. -- [SEC. 7.]

A. The attorney general and district attorneys [~~of
this State in their respective districts~~], when any civil
proceedings [~~may be~~] are pending in district court in their
respective districts [~~in the district court~~] in which the
state or any county may be a party, whether [~~the same be~~] it

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 is an ordinary suit, scire facias proceedings, proceedings
2 growing out of any criminal prosecution or otherwise, [~~shall~~]
3 have power, except as provided in Subsection B of this
4 section, to compromise or settle [~~said~~] the suit or
5 proceedings, or grant a release or enter satisfaction in whole
6 or in part, of any claim or judgment in the name of the state
7 or county, or dismiss the same, or take any other steps or
8 proceedings [~~therein~~] which [~~to him may~~] appear to him proper
9 and right [~~and~~]. All such civil suits and proceedings shall
10 be entirely under the management and control of the [~~said~~]
11 attorney general or district attorneys, and all compromises,
12 releases and satisfactions [~~heretofore~~] made or entered into
13 by said officers prior to the effective date of this section
14 are [~~hereby~~] confirmed and ratified.

15 B. The attorney general and district attorneys
16 shall not take any action that binds the taxation and revenue
17 department or any of its divisions, officers or employees with
18 respect to hearings under the Implied Consent Act, without the
19 consent of the secretary of taxation and revenue or the
20 secretary's designee."

21 Section 2. EFFECTIVE DATE. -- The effective date of the
22 provisions of this act is July 1, 2001.