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HOUSE BILL 668

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE NEW MEXICO COMPILATION COMMISSION; AMENDING  
CERTAIN SECTIONS OF THE NMSA 1978 CONCERNING THE COMPOSITION  
AND POWERS OF THE COMMISSION.

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

Section 1. Section 12-1-2 NMSA 1978 (being Laws 1953,  
Chapter 39, Section 2) is amended to read:

"12-1-2. NEW MEXICO COMPILATION COMMISSION--CREATION.--

There is hereby established the "New Mexico compilation  
commission". The commission shall consist of the chief justice  
of the supreme court [~~of the state of New Mexico~~] or a justice  
designated by the chief justice, who shall act as president of  
the commission, the clerk of the supreme court [~~of the state of~~  
~~New Mexico, who shall act as secretary of the commission, and~~],  
the attorney general [~~of the state of New Mexico~~] or a deputy

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1 or assistant attorney general designated by the attorney  
2 general, the state records administrator or the administrator's  
3 designee, the dean of the university of New Mexico school of  
4 law or the dean's designee, the director of the legislative  
5 council service and the president of the New Mexico state bar  
6 association or a member of the state bar commissioners  
7 appointed by the president."

8 Section 2. Section 12-1-3 NMSA 1978 (being Laws 1977,  
9 Chapter 74, Section 2, as amended) is amended to read:

10 "12-1-3. POWERS ~~[AND DUTIES]~~ OF COMMISSION.--The New  
11 Mexico compilation commission, acting ~~[through the secretary,~~  
12 ~~who shall obtain]~~ on the advice and approval of an advisory  
13 committee appointed by the New Mexico supreme court, ~~[is hereby~~  
14 ~~authorized]~~ may:

15 ~~[A. to carry out the terms of the contract referred~~  
16 ~~to and ratified in Section 12-1-1 NMSA 1978;~~

17 ~~B. to]~~ A. provide for official, annotated  
18 compilations of the New Mexico statutes, ~~[to]~~ including court  
19 rules governing practice and procedure in the state courts,  
20 provide for supplements to ~~[such]~~ the compilations ~~[to~~  
21 ~~determine the contents of such statutes; to determine the scope~~  
22 ~~and extent of the annotations; to make such changes in the~~  
23 ~~editorial provisions of the contract as may be deemed proper;~~  
24 ~~to determine the physical arrangement, the size of volumes, the~~  
25 ~~number of volumes]~~ and do all other necessary things pertaining

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1 to the publication of any compilation and related publications;

2 ~~[G. to determine whether the requirements for any~~  
3 ~~compilation have been met; to determine whether such~~  
4 ~~compilation contains the basic law and the general law of New~~  
5 ~~Mexico; and to file a certificate with the secretary of state~~  
6 ~~of New Mexico when the foregoing provisions have been met to~~  
7 ~~the effect that such compilation shall be recognized as an~~  
8 ~~official compilation of the statutory law of New Mexico;~~

9 ~~D. to] B.~~ provide for the sale of any compilation  
10 and the supplements thereto;

11 ~~[E. to] C.~~ provide for exchange of compilations  
12 and supplements with exchange libraries of other states and  
13 territories;

14 ~~[F. to] D.~~ contract with the publisher of any  
15 compilation as may be necessary or desirable to carry out the  
16 provisions of this section; ~~[and]~~

17 ~~[G. to] E.~~ do all things necessary to keep [a]  
18 current one or more computer ~~[data base]~~ databases of  
19 publications published by the compilation commission and  
20 parallel tables prepared by the commission for computerized  
21 search and manipulation; and

22 F. hire an executive director. The executive  
23 director shall:

24 (1) serve as the chief administrative officer  
25 of the commission;

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- 1                   (2) serve at the pleasure of the commission;
- 2                   (3) carry out the policies established by the
- 3 commission; and
- 4                   (4) within available funding, hire such
- 5 additional staff as necessary to effectuate the powers
- 6 exercised by the commission."

7           Section 3. Section 12-1-3.1 NMSA 1978 (being Laws 1982,  
8 Chapter 7, Section 2) is amended to read:

9           "12-1-3.1. ADDITIONAL POWERS [~~AND DUTIES~~] OF  
10 COMMISSION.--The New Mexico compilation commission [~~acting~~  
11 ~~through the secretary of the commission, is hereby authorized~~  
12 ~~to~~] may publish, distribute or sell and keep current automated  
13 legal databases of the following legal publications, including  
14 any revisions:

- 15                   A. New Mexico reports;
- 16                   B. New Mexico municipal benchbook;
- 17                   C. New Mexico magistrate benchbook;
- 18                   [~~D. New Mexico juvenile probation officers manual;~~
- 19                   E.] D. advance opinions, compliance guides and  
20 informational pamphlets issued by the attorney general of New  
21 Mexico;
- 22                   E. publications of laws and court and
- 23 administrative rules of this state;
- 24                   F. indices of attorney general opinions; and
- 25                   G. parallel tables of New Mexico laws."

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1 Section 4. Section 12-1-7 NMSA 1978 (being Laws 1953,  
2 Chapter 39, Section 7, as amended) is amended to read:

3 "12-1-7. RECOGNITION AS OFFICIAL COMPILATION.--Upon the  
4 certification of [~~said~~] the compilation of 1978 or any  
5 supplement [~~thereof~~] by the New Mexico compilation commission,  
6 [~~acting through the secretary of the New Mexico compilation~~  
7 ~~commission~~] with the advice and approval of the advisory  
8 committee of the supreme court, [~~as herein authorized and~~  
9 ~~directed, such~~] the compilation or supplement shall be in  
10 force, and printed and electronic copies thereof shall be  
11 received, recognized, referred to and used in all the courts  
12 and in all departments and offices of the state as the official  
13 compilation of the statutory law of New Mexico and may be cited  
14 as the "NMSA 1978".

15 Section 5. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2006.