

HOUSE BILL 1210

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO LEGAL NOTICES; PROVIDING FOR A STATE-AUTHORIZED WEB SITE TO PUBLISH LEGAL NOTICES AND ADVERTISEMENTS; PROVIDING THAT THE OPERATOR OF THE WEB SITE SHALL BE SELECTED PURSUANT TO THE PROCUREMENT CODE; PROVIDING THAT, AFTER JULY 1, 2011, THE STATE-AUTHORIZED WEB SITE SHALL BE AN ALTERNATIVE TO NEWSPAPER PUBLICATIONS OF LEGAL NOTICES AND ADVERTISEMENTS.

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

Section 1. Section 14-11-1 NMSA 1978 (being Laws 1937, Chapter 167, Section 1) is amended to read:

"14-11-1. LEGAL NOTICES AND ADVERTISEMENTS DEFINED.--Any notice or other written matter whatsoever required to be published in a newspaper by any law of this state or by the order of any court of record of this state shall be deemed ~~and held to be~~ a legal notice or advertisement within the meaning

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1 of [~~this Act~~] Chapter 14, Article 11 NMSA 1978."

2 Section 2. Section 14-11-4 NMSA 1978 (being Laws 1937,
3 Chapter 167, Section 3) is amended to read:

4 "14-11-4. PROOF OF PUBLICATION.--

5 A. Proof of the publication of any [~~such~~] legal
6 notice or advertisement may be made by the affidavit of the
7 printer, business manager, editor, publisher or proprietor of
8 the newspaper in which the publication is made or by any other
9 competent person who has personal knowledge of the essential
10 facts, which affidavit, in addition to the other matters
11 required by law to be set forth therein, shall state that
12 [~~such~~] the notice or advertisement was published in a newspaper
13 duly qualified for that purpose within the meaning of [~~this~~
14 ~~Act~~] Chapter 14, Article 11 NMSA 1978 and that payment
15 [~~therefore~~] therefor has been made or assessed as court costs.

16 B. For a legal notice or advertisement posted on
17 the state-authorized web site, proof of publication shall be a
18 certificate issued by the operator of the web site."

19 Section 3. A new section of Chapter 14, Article 11 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] AUTHORIZED WEB SITE FOR LEGAL NOTICES AND
22 ADVERTISEMENTS--SELECTION OF OPERATOR--REQUIREMENTS.--

23 A. The secretary of general services, pursuant to
24 the Procurement Code, shall issue a request for proposals to
25 operate a state-authorized web site for the publication of

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1 legal notices and advertisements.

2 B. No later than October 1, 2007, the secretary
3 shall select as the operator of the web site the proposer
4 submitting the proposal most advantageous to the state and
5 enter into a contract for the operation of the web site. The
6 contract shall include provisions:

7 (1) prescribing the nature and content of
8 legal notices and advertisements;

9 (2) requiring that access to web site-posted
10 information be user-friendly, available at all times and free
11 to the public;

12 (3) providing procedures for the web site
13 posting of legal notices and advertisements;

14 (4) requiring that the web site be established
15 and operated at no charge to the state;

16 (5) requiring that the web site contain both
17 active legal notices and advertisements and archived legal
18 notices and advertisements and that the archived legal notices
19 and advertisements remain accessible for at least one year
20 after the initial posting;

21 (6) requiring the operator to upload web site
22 archives to a state-maintained backup database without cost to
23 the state;

24 (7) providing for reasonable fees for the
25 internet posting of legal notices;

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1 (8) providing for the remission by the
2 operator to the state of at least twenty percent of the posting
3 fees;

4 (9) specifying the form and content of
5 certifications that will meet the proof of publication
6 requirements of Section 14-11-4 NMSA 1978;

7 (10) authorizing the operator to send reminder
8 notices at the instruction of a posting entity regarding any
9 pertinent requirement of law for multiple notices, including an
10 authorization to charge a reasonable fee for the reminder
11 service;

12 (11) requiring the operator to archive
13 information, to provide access at all times to all posted
14 information and to make the access user-friendly by use of
15 searches by keywords, by courthouse file numbers, by specific
16 locale or by type of information sought; and

17 (12) requiring that the web site be
18 operational and available to the public by July 1, 2008.

19 C. From July 1, 2008 through June 30, 2011:

20 (1) the legal notices and advertisements of
21 the state and political subdivisions of the state shall be both
22 published in a newspaper as otherwise required in Chapter 14,
23 Article 11 NMSA 1978 and posted on the state-authorized web
24 site; and

25 (2) other legal notice and advertisements

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1 shall be published in a newspaper as otherwise required in
2 Chapter 14, Article 11 NMSA 1978 and may, at the option of the
3 poster, also be posted on the state-authorized web site.

4 D. On and after July 1, 2011, notwithstanding the
5 requirements of any law requiring legal notice, the posting of
6 a legal notice or advertisement on the state-authorized web
7 site shall be an alternative method for giving public notice in
8 New Mexico and, for all purposes, shall be given the same legal
9 effect as publication in a newspaper."

10 Section 4. REPEAL.--Section 14-11-5 NMSA 1978 (being Laws
11 1931, Chapter 120, Section 1) is repealed.

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