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HOUSE BILL 61

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Jimmie C. Hall and Daymon Ely and William "Bill" R. Rehm

AN ACT

RELATING TO THE COURTS; AMENDING COMPOSITION OF THE SUPREME COURT BUILDING COMMISSION; TRANSFERRING AUTHORITY FOR THE SUPREME COURT LAW LIBRARY AND APPOINTMENT AUTHORITY FOR THE SUPREME COURT LAW LIBRARIAN TO THE SUPREME COURT; CONSOLIDATING PROVISIONS PERTAINING TO THE SUPREME COURT LAW LIBRARIAN; PROVIDING FOR A CONSOLIDATED APPROPRIATION; RECOMPILING SECTIONS OF THE NMSA 1978 PERTAINING TO THE PROPERTY OF THE SUPREME COURT LAW LIBRARY; REPEALING SECTIONS OF THE NMSA 1978 RELATING TO THE SUPREME COURT LAW LIBRARY.

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

SECTION 1. A new Section 34-2-11 NMSA 1978 is enacted to read:

"34-2-11. [NEW MATERIAL] SUPREME COURT LAW LIBRARY.--The supreme court shall have the management, control and

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1 supervision of the supreme court law library and shall:

2 A. have the right to prescribe rules for the
3 management and control of the supreme court law library, as in
4 their judgment is fit and proper for the safety, care and
5 custody of the library and its shelving, books, documents and
6 archives and for the convenience and accommodation of the
7 patrons of the library;

8 B. order and purchase all books for the library for
9 which an appropriation is made;

10 C. have full and complete management of the
11 financial affairs of the library;

12 D. meet from time to time, select from opinions of
13 the supreme court and designate to the clerk of the supreme
14 court the opinions that shall be officially reported and
15 published;

16 E. supervise, amend and correct all syllabi or
17 headnotes for published opinions; and

18 F. trade, barter and exchange books and periodicals
19 in the supreme court law library for other books and
20 periodicals of equal or similar value."

21 **SECTION 2.** Section 18-1-6 NMSA 1978 (being Laws 1915,
22 Chapter 47, Section 5, as amended) is recompiled as Section
23 34-2-12 NMSA 1978 and is amended to read:

24 "34-2-12. PAYMENT OF ACCOUNTS.--The secretary of finance
25 and administration shall draw warrants on the state treasurer

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1 in payment of all accounts [~~which shall~~] of the supreme court
2 law library that have been audited by [~~said board of trustees~~]
3 the chief justice and justices of the supreme court or their
4 designees, to the extent of the appropriations made for such
5 purposes but for no more."

6 SECTION 3. A new Section 34-2-13 NMSA 1978 is enacted to
7 read:

8 "34-2-13. [NEW MATERIAL] SUPREME COURT LAW LIBRARIAN--
9 APPOINTMENT--DUTIES--BOND--PROHIBITIONS--FINES.--

10 A. The supreme court law library shall be under the
11 care and custody of a librarian who shall be appointed by the
12 supreme court and shall hold office at its pleasure.

13 B. The librarian shall have the custody and charge
14 of all books, archives, maps, charts, engravings and all other
15 things properly belonging to the library or directed to be
16 deposited in the library.

17 C. The librarian, before taking office, shall give
18 bond to the state of New Mexico in the sum of two thousand
19 dollars (\$2,000), with sufficient surety or sureties, for the
20 faithful performance of the librarian's duties, for the
21 preservation and safe delivery of all property committed to the
22 librarian's care to the librarian's successor and for the
23 faithful paying over of all funds coming into the librarian's
24 hands as librarian. The bond shall be approved by the chief
25 justice of the supreme court and be filed with the clerk of the

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1 supreme court.

2 D. If the librarian permits or allows a person not
3 authorized by rules promulgated by the supreme court to remove
4 a book or other property from the library, the librarian shall
5 be deemed guilty of a misdemeanor, and subject to a fine of ten
6 dollars (\$10.00) for every book or other article so removed."

7 SECTION 4. Section 18-1-10 NMSA 1978 (being Laws 1915,
8 Chapter 47, Section 10) is recompiled as Section 34-2-14 NMSA
9 1978 and is amended to read:

10 "34-2-14. UNLAWFUL REMOVAL OF PROPERTY--PENALTY.--~~[Any]~~ A
11 person not authorized by the rules ~~[and regulations of the~~
12 ~~board of trustees so to do]~~ promulgated by the supreme court
13 who ~~[shall take]~~ takes from the supreme court law library ~~[any]~~
14 a book or other property belonging ~~[there to]~~ to the library,
15 either with or without the consent of the librarian, shall be
16 deemed guilty of a misdemeanor and subject to a fine of ten
17 dollars (\$10.00) for every book or other property so taken;
18 provided that in case of a felonious taking of such book or
19 property, the person guilty thereof shall be punished in the
20 manner and to the extent ~~[now]~~ provided by law for the
21 punishment of ~~[such]~~ those felonies."

22 SECTION 5. Section 18-1-11 NMSA 1978 (being Laws 1915,
23 Chapter 47, Section 11) is recompiled as Section 34-2-15 NMSA
24 1978 and is amended to read:

25 "34-2-15. LIABILITY FOR INJURY TO BOOKS OR PROPERTY.--

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1 ~~[Any]~~ A person ~~[injuring, defacing or destroying]~~ who injures,
2 defaces or destroys a book or other property ~~[belonging]~~ that
3 belongs to the supreme court law library shall forfeit twice
4 the value ~~[thereof]~~ of that book or property to be sued for and
5 recovered by the state. ~~[and]~~ It shall be the duty of the
6 librarian of the supreme court law library to promptly notify
7 ~~[said board of trustees]~~ the supreme court of any such
8 offense."

9 SECTION 6. A new Section 34-2-16 NMSA 1978 is enacted to
10 read:

11 "34-2-16. [NEW MATERIAL] CONSOLIDATED APPROPRIATION.--For
12 purposes of the annual appropriation and budgeting process, and
13 notwithstanding any state budget statutes to the contrary, the
14 operations of the supreme court, supreme court building
15 commission and supreme court law library shall be funded and
16 budgeted through a consolidated appropriation to the supreme
17 court."

18 SECTION 7. Section 34-3-1 NMSA 1978 (being Laws 1967,
19 Chapter 214, Section 1) is amended to read:

20 "34-3-1. SUPREME COURT BUILDING COMMISSION--CREATION.--
21 There is created ~~[within the judicial department]~~ the "supreme
22 court building commission", ~~[consisting of three residents of~~
23 ~~the state appointed by the supreme court. Each member shall~~
24 ~~qualify by taking the oath prescribed by the constitution for~~
25 ~~state officers and shall hold office until his successor is~~

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1 ~~appointed by the supreme court. Vacancies shall be filled in~~
2 ~~the same manner as the original appointment. Members shall~~
3 ~~receive reimbursement as provided in the Per Diem and Mileage~~
4 ~~Act but shall receive no other compensation, perquisite or~~
5 ~~allowance. No member shall be interested, directly or~~
6 ~~indirectly, in any contract relating to the construction,~~
7 ~~equipment or maintenance of the supreme court building, and any~~
8 ~~contract made in violation of this sentence is void] which~~
9 ~~shall consist of the chief justice and justices of the supreme~~
10 ~~court.~~"

11 SECTION 8. Section 34-3-2 NMSA 1978 (being Laws 1967,
12 Chapter 214, Section 2) is amended to read:

13 "34-3-2. SUPREME COURT BUILDING COMMISSION--
14 ORGANIZATION.--~~[The supreme court building commission shall~~
15 ~~elect from its membership a chairman, vice chairman and~~
16 ~~secretary. The chairman shall preside at all meetings of the~~
17 ~~commission and shall sign on behalf of the commission all~~
18 ~~contracts and other necessary papers authorized by the~~
19 ~~commission. In the absence of the chairman, the vice chairman~~
20 ~~shall exercise his duties] The chief justice of the supreme~~
21 ~~court shall act as chair of the supreme court building~~
22 ~~commission, and the clerk of the supreme court shall act as~~
23 ~~secretary for the commission.~~ The secretary shall keep
24 complete records of all commission business and shall approve
25 all vouchers submitted to the department of finance and

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1 administration for the expenditure of funds [~~available~~]
2 appropriated to the supreme court for the operations of the
3 supreme court building commission. [~~Two~~] Three members of the
4 commission constitute a quorum for the transaction of business,
5 and all actions of the commission shall be by a majority vote
6 of the full commission."

7 SECTION 9. Section 34-3-3 NMSA 1978 (being Laws 1967,
8 Chapter 214, Section 3) is amended to read:

9 "34-3-3. SUPREME COURT BUILDING COMMISSION--DUTIES.--The
10 supreme court building commission has care, custody and control
11 of the supreme court building and its grounds, along with all
12 equipment, furniture and fixtures purchased or used by agencies
13 of the judicial department housed [~~therein~~] in the building.

14 With respect to this property, the commission shall:

15 A. provide for the preservation, repair, care,
16 cleaning, heating and lighting; and

17 B. [~~subject to legislative appropriations~~] hire
18 necessary employees for this purpose and fix their compensation
19 and terms of employment, but no compensation shall be paid to
20 any person who is paid compensation by any other agency of the
21 state."

22 SECTION 10. REPEAL.--Sections 18-1-1 through 18-1-5,
23 18-1-7 through 18-1-9 and 18-1-12 NMSA 1978 (being Laws 1915,
24 Chapter 47, Sections 1 through 4, Laws 1966, Chapter 28,
25 Section 16, Laws 1915, Chapter 47, Sections 6, 7 and 9 and Laws
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1 1939, Chapter 4, Section 1, as amended) are repealed.

2 SECTION 11. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2018.

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