

1 AN ACT

2 RELATING TO THE COURTS; AMENDING COMPOSITION OF THE SUPREME
3 COURT BUILDING COMMISSION; TRANSFERRING AUTHORITY FOR THE
4 SUPREME COURT LAW LIBRARY AND APPOINTMENT AUTHORITY FOR THE
5 SUPREME COURT LAW LIBRARIAN TO THE SUPREME COURT;
6 CONSOLIDATING PROVISIONS PERTAINING TO THE SUPREME COURT LAW
7 LIBRARIAN; PROVIDING FOR A CONSOLIDATED APPROPRIATION;
8 RECOMPILING SECTIONS OF THE NMSA 1978 PERTAINING TO THE
9 PROPERTY OF THE SUPREME COURT LAW LIBRARY; REPEALING SECTIONS
10 OF THE NMSA 1978 RELATING TO THE SUPREME COURT LAW LIBRARY.

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

15 "34-2-11. SUPREME COURT LAW LIBRARY.--The supreme court
16 shall have the management, control and supervision of the
17 supreme court law library and shall:

18 A. have the right to prescribe rules for the
19 management and control of the supreme court law library, as
20 in their judgment is fit and proper for the safety, care and
21 custody of the library and its shelving, books, documents and
22 archives and for the convenience and accommodation of the
23 patrons of the library;

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

1 C. have full and complete management of the
2 financial affairs of the library;

3 D. meet from time to time, select from opinions of
4 the supreme court and designate to the clerk of the supreme
5 court the opinions that shall be officially reported and
6 published;

7 E. supervise, amend and correct all syllabi or
8 headnotes for published opinions; and

9 F. trade, barter and exchange books and
10 periodicals in the supreme court law library for other books
11 and periodicals of equal or similar value."

12 SECTION 2. Section 18-1-6 NMSA 1978 (being Laws 1915,
13 Chapter 47, Section 5, as amended) is recompiled as Section
14 34-2-12 NMSA 1978 and is amended to read:

15 "34-2-12. PAYMENT OF ACCOUNTS.--The secretary of
16 finance and administration shall draw warrants on the state
17 treasurer in payment of all accounts of the supreme court law
18 library that have been audited by the chief justice and
19 justices of the supreme court or their designees, to the
20 extent of the appropriations made for such purposes but for
21 no more."

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

24 "34-2-13. SUPREME COURT LAW LIBRARIAN--APPOINTMENT--
25 DUTIES--BOND--PROHIBITIONS--FINES.--

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

4 B. The librarian shall have the custody and charge
5 of all books, archives, maps, charts, engravings and all
6 other things properly belonging to the library or directed to
7 be deposited in the library.

8 C. The librarian, before taking office, shall give
9 bond to the state of New Mexico in the sum of two thousand
10 dollars (\$2,000), with sufficient surety or sureties, for the
11 faithful performance of the librarian's duties, for the
12 preservation and safe delivery of all property committed to
13 the librarian's care to the librarian's successor and for the
14 faithful paying over of all funds coming into the librarian's
15 hands as librarian. The bond shall be approved by the chief
16 justice of the supreme court and be filed with the clerk of
17 the supreme court.

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

24 **SECTION 4.** Section 18-1-10 NMSA 1978 (being Laws 1915,
25 Chapter 47, Section 10) is recompiled as Section 34-2-14 NMSA

1 1978 and is amended to read:

2 "34-2-14. UNLAWFUL REMOVAL OF PROPERTY--PENALTY.--A
3 person not authorized by the rules promulgated by the supreme
4 court who takes from the supreme court law library a book or
5 other property belonging to the library, either with or
6 without the consent of the librarian, shall be deemed guilty
7 of a misdemeanor and subject to a fine of ten dollars
8 (\$10.00) for every book or other property so taken; provided
9 that in case of a felonious taking of such book or property,
10 the person guilty thereof shall be punished in the manner and
11 to the extent provided by law for the punishment of those
12 felonies."

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

16 "34-2-15. LIABILITY FOR INJURY TO BOOKS OR PROPERTY.--
17 A person who injures, defaces or destroys a book or other
18 property that belongs to the supreme court law library shall
19 forfeit twice the value of that book or property to be sued
20 for and recovered by the state. It shall be the duty of the
21 librarian of the supreme court law library to promptly notify
22 the supreme court of any such offense."

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

25 "34-2-16. CONSOLIDATED APPROPRIATION.--For purposes of

1 the annual appropriation and budgeting process, and
2 notwithstanding any state budget statutes to the contrary,
3 the operations of the supreme court, supreme court building
4 commission and supreme court law library shall be funded and
5 budgeted through a consolidated appropriation to the supreme
6 court."

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

9 "34-3-1. SUPREME COURT BUILDING COMMISSION--CREATION.--
10 There is created the "supreme court building commission",
11 which shall consist of the chief justice and justices of the
12 supreme court."

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

15 "34-3-2. SUPREME COURT BUILDING COMMISSION--
16 ORGANIZATION.--The chief justice of the supreme court shall
17 act as chair of the supreme court building commission, and
18 the clerk of the supreme court shall act as secretary for the
19 commission. The secretary shall keep complete records of all
20 commission business and shall approve all vouchers submitted
21 to the department of finance and administration for the
22 expenditure of funds appropriated to the supreme court for
23 the operations of the supreme court building commission.
24 Three members of the commission constitute a quorum for the
25 transaction of business, and all actions of the commission

1 shall be by a majority vote of the full commission."

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

4 "34-3-3. SUPREME COURT BUILDING COMMISSION--DUTIES.--
5 The supreme court building commission has care, custody and
6 control of the supreme court building and its grounds, along
7 with all equipment, furniture and fixtures purchased or used
8 by agencies of the judicial department housed in the
9 building. With respect to this property, the commission
10 shall:

11 A. provide for the preservation, repair, care,
12 cleaning, heating and lighting; and

13 B. hire necessary employees for this purpose and
14 fix their compensation and terms of employment, but no
15 compensation shall be paid to any person who is paid
16 compensation by any other agency of the state."

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

22 SECTION 11. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2018._____