

1 AN ACT

2 RELATING TO THE NEW MEXICO COMPILATION COMMISSION; CHANGING  
3 THE OPERATIONAL MODEL FOR DISTRIBUTIONS OF STATUTORY AND  
4 LEGAL PUBLICATIONS TO PROVIDE FOR FREE ONLINE ACCESS TO STATE  
5 AND LOCAL AGENCIES, PUBLIC OFFICIALS AND COURTS AND THE  
6 GENERAL PUBLIC; PROVIDING FOR THE PUBLICATION OF PRINT  
7 VERSIONS OF CERTAIN PUBLICATIONS BY LICENSING AGREEMENTS;  
8 REQUIRING THE ATTORNEY GENERAL TO PROVIDE ALL OPINIONS AND  
9 ADVISORY LETTERS TO THE COMMISSION; CHANGING THE MEMBERSHIP  
10 OF THE COMMISSION; REPEALING SECTIONS OF THE NMSA 1978;  
11 DECLARING AN EMERGENCY.

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

14 SECTION 1. Section 8-5-6 NMSA 1978 (being Laws 1979,  
15 Chapter 106, Section 1, as amended) is amended to read:

16 "8-5-6. OPINIONS AND REPORT.--The New Mexico  
17 compilation commission shall receive all opinions and  
18 advisory letters of the attorney general and shall maintain  
19 the attorney general's opinions and advisory letters as part  
20 of the master database of the commission. The attorney  
21 general shall provide the commission with an electronic copy  
22 of all opinions and advisory letters as issued in a format  
23 mutually agreed upon by the commission and the attorney  
24 general."

25 SECTION 2. Section 12-1-2 NMSA 1978 (being Laws 1953,

1 Chapter 39, Section 2, as amended) is amended to read:

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

3 The "New Mexico compilation commission" is created. The  
4 commission consists of the chief justice of the supreme court  
5 or a justice designated by the chief justice, who shall act  
6 as president of the commission; the clerk of the supreme  
7 court; the attorney general or a deputy or assistant attorney  
8 general designated by the attorney general; the dean of the  
9 university of New Mexico school of law or the dean's  
10 designee; the director of the legislative council service;  
11 and the president of the state bar of New Mexico or a bar  
12 commissioner designated by the president of the state bar of  
13 New Mexico."

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

16 "12-1-3. POWERS OF COMMISSION.--The New Mexico  
17 compilation commission, acting on the advice and approval of  
18 an advisory committee appointed by the New Mexico supreme  
19 court, may:

20 A. provide for official, annotated compilations of  
21 the New Mexico statutes and court rules as approved by the  
22 supreme court and all other necessary things pertaining to the  
23 publication, including online publication, of any compilation  
24 and related publications;

25 B. provide for the licensing of the content of the

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1 compilation and any related publications;

2 C. contract with a publisher for any compilation  
3 or related publications as may be necessary or desirable to  
4 carry out the provisions of this section;

5 D. do all things necessary to keep current the  
6 master database of publications published or authorized for  
7 publication by the compilation commission; and

8 E. hire an executive director, who shall:

9 (1) serve as the chief administrative  
10 officer of the commission;

11 (2) serve at the pleasure of the commission;

12 (3) carry out the policies established by  
13 the commission; and

14 (4) within available funding, hire such  
15 additional staff as necessary to effectuate the powers  
16 exercised by the commission."

17 SECTION 4. Section 12-1-3.1 NMSA 1978 (being  
18 Laws 1982, Chapter 7, Section 2, as amended) is amended to  
19 read:

20 "12-1-3.1. ADDITIONAL POWERS OF COMMISSION--MASTER  
21 DATABASE.--

22 A. The New Mexico compilation commission shall  
23 keep current the automated legal databases, known as the  
24 official "master database", of the following legal  
25 publications, including any revisions, and shall provide free

1 online access to these publications:

2 (1) all appellate court opinions and  
3 decisions;

4 (2) all opinions and advisory letters issued  
5 by the attorney general of New Mexico;

6 (3) publications of session laws and court  
7 rules of this state; and

8 (4) parallel tables of New Mexico laws.

9 B. The commission may license any part of the  
10 master database.

11 C. The commission may include other statutory or  
12 legal content in the master database and may license the use  
13 of that information or may electronically publish that content  
14 on its online website."

15 SECTION 5. Section 12-1-5 NMSA 1978 (being Laws 1953,  
16 Chapter 39, Section 5) is amended to read:

17 "12-1-5. NEW MEXICO COMPILATION FUND--CREATED.--The  
18 "New Mexico compilation fund" is created as a nonreverting  
19 fund in the state treasury. The fund consists of filing,  
20 licensing and other fees; gifts, grants and donations;  
21 appropriations; and any other money credited to the fund. The  
22 fund shall be administered by the New Mexico compilation  
23 commission, and money in the fund is appropriated to the  
24 commission to carry out the purposes of Chapter 12, Article 1  
25 NMSA 1978. Expenditures from the fund shall be by warrant of

1 the secretary of finance and administration pursuant to  
2 vouchers signed by the executive director of the commission or  
3 the executive director's authorized representative."

4 SECTION 6. Section 12-1-7 NMSA 1978 (being Laws 1953,  
5 Chapter 39, Section 7, as amended) is amended to read:

6 "12-1-7. RECOGNITION AS OFFICIAL COMPILATION.--Upon the  
7 annual certification of the compilation of 1978 by the  
8 New Mexico compilation commission, with the advice and  
9 approval of the advisory committee of the supreme court, the  
10 compilation shall be in force and recognized, referred to and  
11 used in all the courts and in all departments and offices of  
12 the state as the official compilation of the statutory law of  
13 New Mexico and may be cited as the "NMSA 1978", whether  
14 printed under an exclusive license of the content of the  
15 compilation or published electronically free of charge."

16 SECTION 7. Section 12-1-8 NMSA 1978 (being Laws 1977,  
17 Chapter 74, Section 5, as amended) is amended to read:

18 "12-1-8. RULES OF CONSTRUCTION GOVERNING COMPILATION OF  
19 STATUTES.--In carrying out the duties provided by law and  
20 contract, absent an expressed contrary legislative intent, the  
21 executive director of the New Mexico compilation commission  
22 and the advisory committee of the supreme court shall be  
23 governed by the following rules:

24 A. if two or more acts are enacted during the same  
25 session of the legislature amending the same section of the

1 NMSA, regardless of the effective dates of the acts, the act  
2 last signed by the governor shall be compiled in the NMSA and,  
3 if the New Mexico compilation commission, after consultation  
4 with the legislative council service, determines that the  
5 provisions of one or more of the earlier signed acts can be  
6 reconciled with the act that is to be compiled, those  
7 provisions shall be incorporated in the last-signed act and  
8 compiled in the NMSA. The history following the amended  
9 section shall set forth the section, chapter and year of all  
10 acts amending the section. A compiler's note shall be  
11 included in the annotations setting forth the nature of the  
12 difference between the acts or sections, if any; and

13 B. if two or more irreconcilable acts dealing with  
14 the same section of law are enacted by the same session of the  
15 legislature, the last act signed by the governor shall be  
16 presumed to be the law. The act last signed by the governor  
17 shall be compiled in the NMSA with an annotation following the  
18 compiled section setting forth in full the text of any  
19 conflicting section of any earlier signed act."

20 SECTION 8. Section 34-4-2 NMSA 1978 (being Laws 1966,  
21 Chapter 28, Section 28, as amended) is amended to read:

22 "34-4-2. APPELLATE COURT REPORTS--INCLUSION IN MASTER  
23 DATABASE.--

24 A. The New Mexico compilation commission shall  
25 maintain and update all opinions and decisions of the

1 appellate courts in the master database of the commission and  
2 provide them free of charge on its online website.

3 B. The courts shall provide the commission with an  
4 electronic copy of each opinion and decision as it is issued."

5 SECTION 9. TEMPORARY PROVISIONS--DISPOSAL OF SETS--  
6 CONTRACTS.--

7 A. On the effective date of this act, all state,  
8 local and district officers designated by the New Mexico  
9 compilation commission to receive distributions of sets of the  
10 compilation, replacement volumes or replacement pamphlets may  
11 dispose of such sets according to procedures set out for  
12 disposal of surplus property. Sets shall not be delivered or  
13 returned to the office of the commission in Santa Fe. The  
14 commission shall determine how many full sets of the printed  
15 statutes and other publications it will maintain for  
16 historical, reference and possible replacement purposes, and  
17 the remainder of the sets held by the commission may be  
18 disposed of according to procedures set out for the disposal  
19 of surplus property.

20 B. All contracts in effect on the effective date  
21 of this act shall continue to be effective until the contract  
22 has been completed or the commission decides to terminate the  
23 contract.

24 C. On the effective date of this act, all  
25 references in law and other legal documents to the New Mexico

1 statutes annotated or the NMSA 1978 shall be deemed to be  
2 references to the content of the master database.

3 SECTION 10. REPEAL.--Sections 8-5-7, 8-5-14, 12-1-4,  
4 12-1-6 and 35-7-6 NMSA 1978 (being Laws 1959, Chapter 20,  
5 Section 2, Laws 1959, Chapter 21, Section 7, Laws 1953,  
6 Chapter 39, Sections 4 and 6 and Laws 1968, Chapter 62,  
7 Section 101, as amended) are repealed.

8 SECTION 11. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is May 3, 2019.

10 SECTION 12. EMERGENCY.--It is necessary for the public  
11 peace, health and safety that this act take effect  
12 immediately. \_\_\_\_\_

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