

HOUSE BILL 348

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC NOTICE; CLARIFYING REQUIREMENTS FOR REQUIRED
PUBLIC NOTICES; REVISING REQUIREMENTS FOR PUBLICATION IN THE
SPANISH LANGUAGE.

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

SECTION 1. Section 14-11-2 NMSA 1978 (being Laws 1937,
Chapter 167, Section 2, as amended) is amended to read:

"14-11-2. REQUIREMENT FOR PUBLICATION OF LEGAL NOTICE OR
ADVERTISEMENT.--Any and every legal notice or advertisement
shall be published in a daily, tri-weekly, [a] semi-weekly or
[a] weekly newspaper of general circulation in the county in
which the notice or advertisement is required to be published
that can be obtained by single copy [~~and that is entered under
the second class postage privilege in the county in which the
notice or advertisement is required to be published~~]; which

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 newspaper, if published tri-weekly, semi-weekly or weekly,
2 shall have been so published [~~in the county~~] continuously and
3 uninterrupted during the period of at least twenty-six
4 consecutive weeks next prior to the first issue thereof
5 containing any such notice or advertisement, and which
6 newspaper, if published daily, shall have been so published [~~in~~
7 ~~the county~~] uninterrupted and continuously during the period
8 of at least six months next prior to the first issue thereof
9 containing any such notice or advertisement; provided that the
10 mere change in the name of any newspaper [~~or the removal of the~~
11 ~~principal business office or seat of publication of any~~
12 ~~newspaper from one place to another in the same county~~] shall
13 not break or affect the continuity in the publication of any
14 such newspaper if the newspaper is in fact continuously and
15 uninterrupted printed [~~and published within the county~~] as
16 provided in this section; provided further that a newspaper
17 shall not lose its rights as a legal publication if it fails to
18 publish one or more of its issues by reason of fire, flood,
19 accident, transportation embargo or tie-up or other casualty
20 beyond the control of the publisher; and provided further that
21 any legal notice [~~which~~] that fails of publication for the
22 required number of insertions by reasons beyond the control of
23 the publisher shall not be declared illegal if the publication
24 has been made in one issue of the publication [~~and provided~~
25 ~~further that if in any county in this state there has not been~~

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underscored material = new
[bracketed material] = delete

1 ~~published any newspaper for the prescribed period at the time~~
2 ~~when any such notice or advertisement is required to be~~
3 ~~published, the notice or advertisement may be published in any~~
4 ~~newspaper having a general circulation or published and printed~~
5 ~~in whole or in part in that county and that can be obtained by~~
6 ~~single copy in that county]."~~

7 SECTION 2. Section 14-11-11 NMSA 1978 (being Laws 1912,
8 Chapter 49, Section 6, as amended) is amended to read:

9 "14-11-11. OFFICIAL PROCEEDINGS--PUBLICATION ~~[OF]~~.--~~[SEC.~~
10 ~~5.]~~ All publications of proceedings of boards of county
11 commissioners, city and town councils, boards of trustees,
12 boards of education or school directors and of all other
13 officers of any county, municipality, district or other
14 subdivision of the state ~~[which]~~ that are required by law to be
15 made shall be published once only. In all counties, cities or
16 towns in which the ~~[publication]~~ population is not less than
17 seventy-five percent English speaking, the publication of such
18 notices in English shall be sufficient; ~~[that]~~ in all counties,
19 cities and towns in which the population is not less than
20 seventy-five percent Spanish speaking, the publication of such
21 notices in the Spanish language shall be sufficient; ~~[that]~~ and
22 in all counties, cities and towns in which the ~~[publication]~~
23 population using either language is between twenty-five percent
24 and seventy-five percent of the whole, ~~[such]~~ the notices shall
25 be published in both English and Spanish, provided there ~~[be~~

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underscoring material = new
[bracketed material] = delete

1 ~~legal~~ are newspapers published in both languages [~~in the~~
2 ~~county, city or town by different publishers~~] meeting the
3 requirements set forth in Section 14-11-2 NMSA 1978; otherwise,
4 publication in either language shall be sufficient. [~~And~~
5 ~~provided further that~~] In the case of question or disagreement
6 as to the percentage of the population of any county, city or
7 town using either language, the district judge of the judicial
8 district of which [~~such~~] the county, city or town is a part
9 shall determine [~~such~~] the percentage upon [~~such~~] information
10 as [~~he~~] the judge may have without special investigation in the
11 matter, and [~~his~~] the judge's opinion and determination
12 [~~thereon~~] shall be conclusive."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is January 1, 2021.