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HOUSE BILL 432

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Judy Vanderstar Russell

AN ACT

RELATING TO LEGAL NOTICE; AMENDING PUBLICATION REQUIREMENTS.

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) is amended to read:

"14-11-2. LEGAL NEWSPAPER--DEFINITION. --Any and every legal notice or advertisement shall at a minimum be published [~~only~~] in English in a daily, tri-weekly, a semi-weekly or a weekly newspaper of general paid circulation [~~which~~] that can be purchased by single copy and that is entered under the second class postage privilege in the county in which [~~said~~] the notice or advertisement is required to be published; which [~~said~~] newspaper, if published tri-weekly, semi-weekly or weekly, shall have been so published in [~~such~~] the county continuously and uninterruptedly during the period of at least

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

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1 period at the time when any such notice or advertisement is
2 required to be published, [~~then such~~] the notice or
3 advertisement may be published in any newspaper [~~or~~
4 ~~newspapers~~] having a general paid circulation [~~and/or~~] or
5 published and printed in whole or in part in [~~said~~] that
6 county and that can be purchased by single copy in that
7 county. "

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 February 23, 1999
7

8 Mr. Speaker:
9

10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 432
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 1, line 18, after "English" insert "or
18 Spanish or both, whichever a reasonable person would deem
19 necessary to provide adequate public notice,".
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HOUSE BILL 432

Page 5

Respectfully submitted,

Sheryl Williams Stapleton,
Chairwoman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HOUSE BILL 432

Page 6

The roll call vote was 7 For 1 Against

Yes: 7

No: 1

Excused: Pederson

Absent None

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J: \99BillSWP\H0432

. 125408. 1

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HOUSE BILL 432

Page 7

4 FORTY- FOURTH LEGISLATURE
5 FIRST SESSION, 1999
6

7
8
9 March 13, 1999
10

11 SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 432, as
12 amended

13
14 AMENDMENT sponsored by SENATOR ROMERO
15

16
17 1. Strike HOUSE LABOR & HUMAN RESOURCES COMMITTEE

18 Amendment.

19 2. On page 1, line 17, strike underscored words "at a
20 mi ni mum".

21
22 3. On page 1, line 18, strike underscored words "in
23 English".

24 4. On page 1, line 16, strike "LEGAL NEWSPAPER--
25 DEFINITION" and insert in lieu thereof "REQUIREMENT FOR
PUBLICATION OF LEGAL NOTICE OR ADVERTISEMENT".

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HOUSE BILL 432

Page 8

5. On page 1, line 19, strike "paid".

6. On page 1, line 20, strike "purchased" and insert in lieu thereof "obtained".

7. On page 3, line 4, strike "paid".

8. On page 3, line 6, strike "purchased" and insert in lieu thereof "obtained".

Senator Richard M. Romero

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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