

Opinion No. 69-120

October 21, 1969

BY: OPINION OF JAMES A. MALONEY, Attorney General James C Compton, Jr.,
Assistant Attorney General

TO: Honorable M. E. Noble, Chief Justice, Supreme Court of New Mexico, Supreme
Court Building, Santa Fe, N.M. 87501

QUESTIONS

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1. Which state or federal officers or agencies are entitled to receive copies of the statutes annotated?
2. Are there any restrictions as to the numbers of volumes to be furnished to any such officers or agencies?

CONCLUSIONS

1. See analysis.
2. No, except in regard to exchanges of compilations with other jurisdictions.

OPINION

{*194} ANALYSIS

Section 1-1-2, N.M.S.A., 1953 Compilation, establishes the New Mexico Compilation Commission, consisting of the Chief Justice of the Supreme Court of New Mexico, the Attorney General of New Mexico and the Clerk of the Supreme Court of New Mexico. The Clerk is to act as the secretary of the Commission. In addition to other powers and duties [see Section 1-1-3, N.M.S.A., 1953 Compilation], the Commission determines distribution of the compilation to various qualified recipients. Section 1-1-4(A), N.M.S.A., 1953 Compilation (1969 P.S.).

Section 1-1-4(A), *supra*, provides in relevant part that the secretary of the Commission shall distribute the compilation ". . . to all state, county and district officers **designated by the New Mexico compilation commission to receive the same.**" (Emphasis added.) This statutory authorization places no restriction on which officers may be designated as recipients of the compilation, so long as they qualify as state, county or district officers. Under this provision the Commission may designate such qualified officers as the members of the Commission feel may be entitled to receive the compilation, but the Commission is not required to designate any recipients unless it so

desires. Furthermore, the Commission may furnish the designated recipients with as many volumes of the compilation as may be deemed prudent in the Commission's judgment.

Section 10-1-13, N.M.S.A., 1953 Compilation (1969 P.S.), provides that:

"A. Officials having charge of the reports of the Supreme Court and court of appeals and the session laws of this state shall transmit copies of each volume issued to the following parties:

United States Supreme
Court, each justice 1
United States Supreme
Court, librarian 5
United States court of
appeals for tenth
circuit, each judge 1
United States district
court for New Mexico,
each judge 1
United States attorney
general 1
United States district
attorney for New
Mexico 3
Library of Congress 8
New Mexico court of
appeals, each judge 1
New Mexico district
court, each judge 1
New Mexico attorney
general 5
New Mexico district
attorney, each district 2
Board of county
commissioners,
each county 1

"B. When any other state, district, territory or possession will supply the Supreme Court law library of this state with one [1] or more copies of court reports, statutes or session laws of its jurisdiction, an equal number of the corresponding court reports, statutes or session laws from this state shall be transmitted to proper officials of that jurisdiction.

C. Officials having custody of court reports statutes and session laws may order distribution of additional copies and copies to additional state and federal officers and agencies."

By employing the phrase "court reports, statutes and session laws" in Subsections B and C of Section 10-1-13, supra, the Legislature intended to distinguish between the reported decisions of the courts of this State, the compilation or an-notated statutes of this State, and the laws enacted during each legislative session. The "official in charge" of the compilation, as that language is used in Subsection C, is the Compilation Commission.

Subsection C provides that the {*195} Compilation Commission may distribute the compilation "to additional state and federal officers and agencies." This latter provision supplements the initial authorization of Section 1-1-4(A), supra, by enabling the Commission to distribute the compilation not only to qualified state, county and district officers as designated by the Commission, but also to such additional state and federal officers and agencies as it should decide to designate as recipients. As is also the case under Section 1-1-4(A), supra, there is no specific limitation in Section 10-1-13, supra, as to the number of volumes of the compilation that may be furnished.

In addition to these manners of distribution, the Commission may furnish the compilation to other states, districts, territories or possessions which may qualify under Section 10-1-13(B), supra. The only restriction as to the number of volumes to be furnished under this provision is that the Commission distribute a number of volumes equal to the number of compilations supplied by the other jurisdictions.

In conclusion, therefore, the Compilation Commission may designate which state and federal officers and agencies are entitled to receive copies of the compilation and may distribute the compilation to those designated recipients. As to the number of volumes of the compilation to be furnished to any designated and qualified recipients, the only restriction is in regard to exchanges of compilations with other jurisdictions.