

Opinion No. 12-963

November 16, 1912

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Will P. Lapoint, Las Cruces, N. M.

PUBLICATION OF COUNTY COMMISSIONERS PROCEEDINGS.

As to whether county commissioners should publish proceedings in Spanish and English.

OPINION

{*120} Your letter of the 11th inst. has been on my desk for two or three days, but I have been unable sooner to answer.

You ask whether or not it is left to the discretion of County Commissioners to publish their proceedings in Spanish as well as English. I think that this is not at all clear from the wording of the statute. As you say, the statute, in Section 6 of Chapter 49 of the Laws of 1912, says that such proceedings "shall be published once only in the English language." In Section 9, however, it is provided that in counties where a newspaper of general circulation is published, at least thirty per cent of the reading matter of which is in Spanish, the publications referred to in the act "required by law to be made shall likewise be published in the Spanish language in such newspapers," but this is preceded by the words "except as otherwise provided in this act." Different minds might give different meanings to this language. It might be held that the provision in Section 6 would be covered by the language "as otherwise provided in this act," so that there could be no publication except the one in English; but on the other hand it might not be unreasonable to hold that as to the proceedings of the County Commissioners, Section 9 made it necessary to publish in Spanish when there was a newspaper of the kind described in the act, and that Section 6 merely limited the publication in English to one publication.

My personal opinion is that the latter construction is the more correct one, but I would not venture to predict what a court might hold if the question became the subject of litigation.