

UNANNOTATED

**CHAPTER 8
Elected Officials**

**ARTICLE 1
Compensation**

8-1-1. Compensation of elective state officers.

A. Annual compensation of elective state officers shall be paid as follows:

governor	\$169,714
lieutenant governor	144,714
secretary of state	144,714
state auditor	144,714
state treasurer	144,714
attorney general	154,714
commissioner of public lands	149,714.

B. Any person succeeding to the office of governor as provided in Article 5, Section 7 of the constitution of New Mexico shall receive the salary of the office. Every person serving as acting governor during the incapacity or absence of the governor from the state, shall receive five hundred dollars (\$500) as compensation for each day's service as acting governor.

C. All compensation under this section shall be paid from the general fund, except that the amount paid to the commissioner of public lands shall be paid from the state lands maintenance fund.

History: 1953 Comp., § 4-5-1, enacted by Laws 1971, ch. 260, § 1; 1975, ch. 305, § 1; 1977, ch. 346, § 2; 1980, ch. 133, § 1; 1981, ch. 286, § 1; 1986, ch. 49, § 1; 1989, ch. 237, § 1; 1998, ch. 108, § 21; 1999, ch. 255, § 1; 2002, ch. 95, § 1; 2020, ch. 9, § 14; 2023, ch. 131, § 1.

**ARTICLE 2
Governor-Elect**

8-2-1. Policy of legislature.

It is the policy of the legislature that the transition from the administration of one governor to the administration of another governor be orderly and without friction and

confusion. The legislature finds that the lag between the election and the inauguration of a new governor is approximately two months and consequently there is a premium on the necessity of a well-planned period of transition. The legislature further finds that for an orderly and efficient transfer of executive authority, the resources required by a governor-elect include, as a minimum, temporary office space in close proximity to the governor's office and the department of finance and administration, the equipment and supplies for such an office and the use of a limited full-time staff and clerical employees.

History: 1953 Comp., § 4-28-1, enacted by Laws 1967, ch. 116, § 1.

8-2-2. Governor-elect; office space and equipment.

Whenever the governor-elect is a different individual than the incumbent governor, the legislative council shall upon his certification of election provide suitable office space in the legislative building and furniture and equipment for the temporary use of the governor-elect and his staff until the inauguration.

History: 1953 Comp., § 4-28-2, enacted by Laws 1967, ch. 116, § 2.

8-2-3. Access to budget information.

The secretary of finance and administration shall fully cooperate with the governor-elect and his staff and shall permit the governor-elect to have full access to all reports, hearings, information and data pertaining to the proposed executive budget.

History: 1953 Comp., § 4-28-3, enacted by Laws 1967, ch. 116, § 3; 1977, ch. 247, § 30.

ARTICLE 3 Lieutenant Governor

8-3-1. Lieutenant governor; powers and duties.

The lieutenant governor in addition to his other duties provided by law shall have the following powers and duties:

A. the lieutenant governor shall:

(1) facilitate and promote the cooperation and understanding between the people of this state and the agencies of state government, by assisting them in their dealings with such agencies, and by assisting the agencies to explain their functions, duties and administrative procedures insofar as they affect the people of this state;

(2) refer any complaints or special problems of the citizens of this state to the proper agency;

(3) keep records of his activities and make an annual report to the governor;
and

(4) perform any other duties that may from time to time be assigned him by the governor.

History: 1953 Comp., § 4-1-3, enacted by Laws 1971, ch. 138, § 1.

8-3-2. Attorney general; cooperation of agencies.

A. The attorney general shall provide, upon request, legal opinion and advice to the lieutenant governor.

B. All state agencies shall cooperate with the lieutenant governor in the performance of his duties.

History: 1953 Comp., § 4-1-4, enacted by Laws 1971, ch. 138, § 2.

8-3-3. Repealed.

History: 1953 Comp., § 4-1-5, enacted by Laws 1971, ch. 138, § 3; 1977, ch. 346, § 1; 1980, ch. 133, § 2; 1981, ch. 286, § 2; 1986, ch. 49, § 2; 1989, ch. 237, § 2; 2002, ch. 95, § 2; 1978 Comp., § 8-3-3, repealed by Laws 2023, ch. 131, § 2.

ARTICLE 4

Secretary of State

8-4-1. Repealed.

8-4-2. [Chief clerk as assistant; appointment; oath; bond.]

The secretary of state is hereby authorized to appoint his chief clerk to be assistant secretary. Such assistant secretary shall, before entering upon the discharge of his duties give bond to the state in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the secretary of state and filed in his office, and shall take and subscribe an oath of office as required by law.

History: Laws 1903, ch. 75, § 1; Code 1915, § 5316; C.S. 1929, § 134-202; 1941 Comp., § 3-102; 1953 Comp., § 4-2-2.

8-4-3. [Assistant secretary; powers.]

The assistant secretary shall have power, in the absence of the secretary, to file all instruments required by the laws of New Mexico to be filed in the office of the secretary

of state, and to certify to copies thereof, under his hand and the great seal of the state, with the same force and effect as if the same had been filed or certified by the secretary of state.

History: Laws 1903, ch. 75, § 2; Code 1915, § 5317; C.S. 1929, § 134-203; 1941 Comp., § 3-103; 1953 Comp., § 4-2-3.

8-4-4. Fees of secretary of state.

A. The secretary of state shall collect the following fees to be deposited with the state treasurer for credit to the general fund:

- (1) photocopies of records, per page ----- twenty-five cents (\$0.25);
- (2) each certification -----three dollars (\$3.00);
- (3) search of records where another fee is not prescribed, per hour of search - ----- ten dollars (\$10.00);
- (4) duplicate commission of office or certificate----- three dollars(\$3.00);
- (5) service of process where another fee is not prescribed ----- twenty-five dollars (\$25.00);
- (6) computer printout of Uniform Commercial Code records, per page ----- one dollar (\$1.00); and
- (7) computer generated records other than voter registration records, per record -----ten cents (\$.10).

B. The secretary of state shall not collect a fee for the following documents when filed in the office of the secretary of state:

- (1) oath of office; and
- (2) notice of appointment to a vacancy in office.

History: 1953 Comp., § 4-2-4, enacted by Laws 1969, ch. 272, § 1; 1982, ch. 17, § 1; 1993, ch. 13, § 1; 2023, ch. 39, § 91.

8-4-5. Bureau of elections created; organization; duties.

There is created within the office of the secretary of state a "bureau of elections." The bureau of elections shall be headed by a director who shall be appointed by the secretary of state and who shall be knowledgeable in the election laws of the state. The

bureau of elections shall perform those duties pertaining to the state administration of elections as are assigned by the secretary of state and which are pursuant to the election laws of the state. Such duties shall include the conduct of schools, instruction and training pertaining to election administration and the preparation of instruction materials and manuals to promote uniformity of the administration of election laws in the state. There is created in the bureau of elections the position of state voting machine supervisor. The state voting machine supervisor shall be knowledgeable in the mechanical operation, repair and maintenance of voting machines used in this state. The state voting machine supervisor shall provide assistance to counties in the repair, maintenance, care and proper use of voting machines owned by the counties.

History: 1953 Comp., § 4-2-7, enacted by Laws 1969, ch. 191, § 1.

8-4-6. Distribution of session laws.

A. The secretary of state shall transmit copies of the session laws without charge as follows:

- (1) one copy to each New Mexico supreme court justice;
- (2) one copy to each New Mexico court of appeals judge;
- (3) one copy to each New Mexico district court judge;
- (4) five copies to the New Mexico attorney general;
- (5) two copies to each New Mexico district attorney;
- (6) one copy to the board of county commissioners of each county;
- (7) copies to other state officers and agencies, or additional copies to legislators upon request by the clerks of each house by January 30 and to those listed above if the copies or additional copies are needed for governmental purposes and are not to replace lost volumes; and
- (8) copies to the New Mexico supreme court law library as may be required for exchange of similar materials with officers and agencies of the federal government, other states, districts, territories or possessions of the United States.

B. Copies of session laws supplied to officers and agencies of this state remain the property of the state and shall be delivered to their successors.

C. Whenever it is necessary to replace a volume of the session laws, because of the loss of the original volume, the secretary of state shall charge the officer or agency the same price that would be charged if it were sold to a private individual, and the

money from the sale shall be deposited in the fund it would be deposited in if it resulted from a sale to a private individual.

History: 1953 Comp., § 10-1-13, enacted by Laws 1973, ch. 248, § 1; 1978, ch. 130, § 2; 1978 Comp., § 34-4-1; recompiled as 1978 Comp., § 8-4-6; Laws 2003, ch. 6, § 1.

8-4-7. Corporations.

As of July 1, 2013, the secretary of state, pursuant to Article 11, Section 19 of the constitution of New Mexico, shall assume responsibility for chartering corporations as provided by law, including the performance of the functions of the former corporations bureau of the public regulation commission. As used in Chapter 53, Articles 1, 2, 4 through 6, 7B, 8, 11 through 14 and 16 through 20 NMSA 1978, except for Subsection D of Section 53-5-8 NMSA 1978, references to the "public regulation commission", "state corporation commission" or "commission" shall be construed to be references to the secretary of state.

History: Laws 2013, ch. 75, § 9.

ARTICLE 5 Attorney General

8-5-1. [Creation of department of justice.]

That the department of justice be, and same is hereby created, with the attorney general as head thereof, which shall be located at the seat of government.

History: Laws 1933, ch. 21, § 1; 1941 Comp., § 3-301; 1953 Comp., § 4-3-1.

8-5-2. Duties of attorney general.

Except as otherwise provided by law, the attorney general shall:

A. prosecute and defend all causes in the supreme court and court of appeals in which the state is a party or interested;

B. prosecute and defend in any other court or tribunal all actions and proceedings, civil or criminal, in which the state may be a party or interested when, in his judgment, the interest of the state requires such action or when requested to do so by the governor;

C. prosecute and defend all actions and proceedings brought by or against any state officer or head of a state department, board or commission, or any employee of the state in his official capacity;

D. give his opinion in writing upon any question of law submitted to him by the legislature or any branch thereof, any state official, elective or appointive, or any district attorney on any subject pending before them or under their control with which they have to deal officially or with reference to their duty in office;

E. prepare drafts for contracts, bonds and other instruments of writing which may be required for the use of the state whenever requested to do so by any state officer;

F. promptly account to the state treasurer for all state funds received by him;

G. report to the governor and legislature the condition of his office, the text of all opinions rendered and a summary of business transacted of public interest, which report shall be submitted each year;

H. keep a register of all opinions rendered and all actions prosecuted and defended by him, and of all proceedings in relation thereto;

I. attend and assist in the trial of any indictment or information in any county on direction of the governor;

J. appear before local, state and federal courts and regulatory officers, agencies and bodies, to represent and to be heard on behalf of the state when, in his judgment, the public interest of the state requires such action or when requested to do so by the governor; and

K. perform all other duties required by law.

History: Laws 1933, ch. 21, § 2; 1941 Comp., § 3-302; 1953 Comp., § 4-3-2; Laws 1966, ch. 28, § 15; 1975, ch. 327, § 1.

8-5-2.1. Attorney general; legal service fees for state agencies.

The attorney general may charge state agencies, as defined herein, for the provision of legal services in noncriminal cases requested by the agencies according to a fee schedule approved by the department of finance and administration. For the purpose of this section "state agency" means any department, institution, board, bureau, commission, district or committee of government of the state of New Mexico and every office or officer thereof.

History: Laws 1980, ch. 2, § 1.

8-5-3. [Action in civil and criminal cases.]

That upon the failure or refusal of any district attorney to act in any criminal or civil case or matter in which the county, state or any department thereof is a party or has an interest, the attorney general be, and he is hereby, authorized to act on behalf of said

county, state or any department thereof, if after a thorough investigation, such action is ascertained to be advisable by the attorney general. Provided, that the attorney general shall, upon direction of the governor, investigate any matter or matters in any county of the state in which the county, state or any department may be interested. After such investigation, the attorney general be, and he is hereby authorized to take such action as, in his opinion, conditions warrant. The cost of such investigation shall be paid out of the general fund of the county wherein such investigation shall have been made, and the costs of any prosecution arising out of such investigation shall be paid as are the costs in cases prosecuted by district attorneys.

History: Laws 1933, ch. 21, § 3; 1941 Comp., § 3-303; 1953 Comp., § 4-3-3.

8-5-4. [Employment of legal assistance for departments.]

No compensation shall be allowed to any person for services as an attorney or counsellor [counselor] to any department of the state government, or the head thereof, or to any state board or commission, except in cases specially authorized by law, but special legal assistance, may be employed by the attorney general, under his direction and control, at a reasonable compensation, in any pending action or proceeding to protect the interest of the state, with the consent and approval of the governor upon showing made by the attorney general that his department cannot for reasons stated perform such services. The costs of such special legal assistance shall be paid by the department out of which such suit or proceeding originated.

History: Laws 1933, ch. 21, § 4; 1941 Comp., § 3-304; 1953 Comp., § 4-3-4.

8-5-5. Assistant attorneys general; other employees; appointment.

A. The attorney general may appoint a deputy attorney general and as many other assistant attorneys general together with stenographic, clerical and other necessary employees on a full- or part-time basis, at salaries to be fixed by him within budget allowances and appropriation limits, as the business of the department shall require and who shall hold office at the pleasure of the attorney general. The deputy attorney general and the assistant attorneys general shall, subject to the direction of the attorney general, have the same power and authority as the attorney general.

B. Within legislative appropriations, the attorney general may appoint full-time salaried members of his staff as peace officers for the full-time investigation of violations of, and, and the full-time enforcement of, the criminal laws of the state. These employees shall comply with the certification provisions of Section 29-7-8 NMSA 1978 [repealed].

History: Laws 1933, ch. 21, § 5; 1941 Comp., § 3-305; 1953 Comp., § 4-3-5; Laws 1955, ch. 119, § 1; 1965, ch. 214, § 1; 1979, ch. 356, § 1; 1988, ch. 92, § 1.

8-5-6. Opinions and report.

The New Mexico compilation commission shall receive all opinions and advisory letters of the attorney general and shall maintain the attorney general's opinions and advisory letters as part of the master database of the commission. The attorney general shall provide the commission with an electronic copy of all opinions and advisory letters as issued in a format mutually agreed upon by the commission and the attorney general.

History: 1978 Comp., § 8-5-6, enacted by Laws 1979, ch. 106, § 1; 1982, ch. 7, § 1; 2019, ch. 74, § 1.

8-5-7. Repealed.

History: 1953 Comp., § 4-3-8, enacted by Laws 1959, ch. 20, § 2; 1979, ch. 106, § 2; repealed by Laws 2019, ch. 74, § 10.

8-5-8 to 8-5-13. Repealed.

8-5-14. Repealed.

History: 1953 Comp., § 4-3-15, enacted by Laws 1959, ch. 21, § 7; 1979, ch. 106, § 3; repealed by Laws 2019, ch. 74, § 10.

8-5-15. [Representation of officer, deputy, assistant, agent or employee of state or state institution.]

The attorney general of New Mexico is directed to act, if requested, as attorney for any officer, deputy, assistant, agent or employee of the state or of a state institution in the event such person is named as a party in any civil action in connection with an act growing out of the performance of his duty; provided, however, this section shall not apply to any suits or proceedings on behalf of the state against such person.

History: 1953 Comp., § 4-3-16, enacted by Laws 1959, ch. 45, § 1.

8-5-16. Repealed.

History: Laws 1995, ch. 140, § 1; repealed by Laws 2003, ch. 280, § 8.

8-5-17. Attorney general; consumer representation before commission.

A. The attorney general shall represent residential and small business consumers in matters before the public regulation commission as the attorney general deems appropriate.

B. The attorney general:

(1) shall research, study and analyze residential and small business consumer interests;

(2) shall prepare and present briefs, arguments, proposed rates or orders and intervene or appear on behalf of residential and small business consumers before the public regulation commission as a party in interest;

(3) may accept grants and donations in the name of the state to carry out the provisions of this section;

(4) may cooperate with tribal and pueblo governments in New Mexico to ensure that the interests of Indian residential and small business consumers are being represented appropriately before the public regulation commission; and

(5) shall report by December 1 of each year to the legislature and the governor on the activities of his office on behalf of residential and small business consumers.

History: Laws 1998, ch. 108, § 22.

8-5-18. Guadalupe Hidalgo treaty division.

A. The "Guadalupe Hidalgo treaty division" is created within the office of the attorney general. The division shall review, oversee and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo that have not been implemented or observed in the spirit of Article 2, Section 5 of the constitution of New Mexico and Section 47-1-25 NMSA 1978.

B. The division shall consist of such personnel and have such duties as the attorney general shall designate.

C. The attorney general shall report the findings and recommendations of the division to the legislature annually.

History: Laws 2003, ch. 101, § 1; 2006, ch. 49, § 1.

8-5-19. Attorney general; authority to investigate and prosecute missing indigenous persons cases.

The attorney general shall assist, with the consent of an Indian nation, tribe or pueblo, with the investigation and prosecution of all missing persons cases in which one or more indigenous persons are reasonably believed to be victims pursuant to the Missing Persons Information and Reporting Act [Chapter 29, Article 15 NMSA 1978].

History: Laws 2022, ch. 2, § 1.

8-5-20. Missing indigenous persons specialists; duties.

A. The position of "missing indigenous persons specialist" is created within the office of the attorney general.

B. The attorney general shall employ one or more missing indigenous persons specialists, who shall work in collaboration with local, state, federal and tribal law enforcement agencies on missing indigenous persons cases pursuant to the Missing Persons Information and Reporting Act [Chapter 29, Article 15 NMSA 1978].

C. The missing indigenous persons specialists shall:

(1) review entries in the database of the national crime information center of the United States department of justice and other databases, including the missing persons information clearinghouse, to ensure records of missing indigenous persons are accurate, complete and made in a timely fashion;

(2) collaborate with other state and international missing persons programs and the national center for missing and exploited children to aid in locating indigenous children who are unlawfully taken out of or unlawfully brought into New Mexico;

(3) provide public outreach and education on missing indigenous persons issues and the prevention of indigenous child abductions;

(4) provide support and technical assistance to law enforcement agencies regarding data collection, data sharing and the cooperative use of available resources;

(5) compile reports of pending missing indigenous persons cases, including the status of pending missing indigenous persons cases, the clearance rate of investigating agencies responsible for tracking missing indigenous persons cases and an analysis by year of the characteristics of missing indigenous persons;

(6) assist with alerts and advisories at the request of the department of public safety to assist in locating a missing indigenous person; and

(7) collaborate with the New Mexico law enforcement academy to facilitate training for law enforcement agencies related to missing indigenous persons cases.

History: Laws 2022, ch. 2, § 2.

8-5-21. Repealed.

History: Laws 2022, ch. 2, § 3; repealed by Laws 2022, ch. 2, § 6.

8-5-22. Repealed.

History: Laws 2022, ch. 2, § 4; repealed by Laws 2022, ch. 2, § 6.

ARTICLE 6

State Auditor, Treasurer and Secretary of Finance and Administration

8-6-1. [Treasurer and auditor; offices; bonds.]

The state treasurer and the state auditor shall keep their offices at the seat of government of the state. They shall, before entering upon the discharge of their duties, respectively, execute, and deliver to the secretary of state a bond to the state in the sum of three hundred thousand dollars [(\$300,000)] for the treasurer, and twenty-five thousand dollars [(\$25,000)] for the auditor, with good and sufficient sureties to be approved by the governor and conditioned for the faithful discharge of the duties required or which may be required of them by law. The approval of the governor and the date thereof shall be endorsed on the bond.

History: Laws 1851-1852, p. 169; C.L. 1865, ch. 102, § 10; C.L. 1884, § 1771; Laws 1891, ch. 27, § 1; C.L. 1897, § 2608; Laws 1905, ch. 69, § 1; Code 1915, § 5327; C.S. 1929, § 134-406; 1941 Comp., § 3-201; 1953 Comp., § 4-4-1.

8-6-2. Seal of state treasurer.

There is adopted an official seal of the treasurer of the state of New Mexico.

The seal shall be in substantially the following form:



The seal above has not been amended or altered in any way.

The seal shall contain the words "Treasurer of the State of New Mexico" running clockwise around the upper portion of the outer edge, and the date "1912" on the lower part of the outer edge, running from left to right; and there shall be in the center a Mexican eagle grasping a serpent in its beak, the cactus in its talons, shielded by the American eagle with outspread wings, and grasping arrows in its talons; and a key under the eagles. When the state treasurer shall hereafter be required to seal any documents or instruments, he shall use the official seal as adopted by this section.

History: 1953 Comp., § 4-4-2, enacted by Laws 1967, ch. 103, § 1.

8-6-3. Duties of treasurer; receipts.

The state treasurer shall receive and keep all money of the state except when otherwise specially provided; disburse the public money upon warrants drawn according to law and not otherwise; keep a just, true and comprehensive account of all money received and disbursed; render the state treasurer's accounts to the financial control division of the department of finance and administration annually, or more often if required; and report to the legislature, at the commencement of each regular session, a detailed statement of the condition of the treasury. The state treasury shall grant duplicate receipts for all money paid into the treasury, and the person receiving the duplicate receipts shall record the entry in the centralized accounting system administered by the department of finance and administration.

History: Laws 1851-1852, p. 170; C.L. 1865, ch. 102, § 14; C.L. 1884, § 1769; C.L. 1897, § 2602; Code 1915, § 5322; C.S. 1929, § 134-401; 1941 Comp., § 3-204; 1953 Comp., § 4-4-4; Laws 1957, ch. 252, § 12; 2011, ch. 88, § 3.

8-6-3.1. State cash manager; powers and duties.

A. The "office of the state cash manager" is established under the office of the state treasurer. The state treasurer shall appoint the state cash manager, who shall manage efficiently all state cash balances in the custody of the state not otherwise invested or deposited, and in consultation with the state board of finance perform the duties necessary to carry out that management responsibility.

B. The duties of the state cash manager include:

(1) issuance of cash management regulations, procedures and enforcement policy to assure implementation of and compliance with the federal Cash Management Improvement Act of 1990 and other provisions of law;

(2) obtaining from each state agency periodic reports of all money from any source in the agency's custody, including detailed information on receipts, disbursements and balances on hand or on deposit in a financial institution;

(3) periodic review of all deposits made and balances on hand to assure that all money received by each state agency is deposited in a timely manner in the state fiscal agent bank and, if applicable, to the state agency's account in the state treasury;

(4) projection of the state's short-term and long-term cash needs to determine the amount available for short-term and long-term investment;

(5) determination and periodic update of the warrant clearance pattern to project the time lag between warrant issuance date and warrant clearance date to facilitate cash management activities; and

(6) preparation of a monthly written report showing state fund balances in each financial institution and sending the report to the state board of finance, the legislative finance committee, the state investment council, the educational retirement board and the retirement board of the public employees retirement association.

C. In addition to the specific duties in Subsection B of this section, the state cash manager shall ensure that non-income producing state cash balances are kept to a minimum in accordance with established guidelines. The state cash manager shall report any actual or anticipated deviations from such established guidelines to the state board of finance, the investing board or council, and the legislative finance committee.

D. The state cash manager shall have access to all accounts, files and other records of funds in the custody of the state. Upon approval of the state board of finance, the state cash manager may conduct any periodic investigation he deems necessary to enable him to perform his duties pursuant to this section.

E. As used in this section, "state agency" means the state of New Mexico or any of its branches, agencies, departments, boards, instrumentalities or institutions, other than state educational institutions designated by Article 12, Section 11 of the constitution of New Mexico, and includes the New Mexico mortgage finance authority and the New Mexico finance authority.

History: Laws 1993, ch. 105, § 1.

8-6-4. Disbursement of funds; warrant from secretary; interest.

It shall be unlawful for the state treasurer to disburse or pay out any funds in his hands, the proceeds of any regular or special tax or any moneys that may come to his hands as treasurer of the state of New Mexico, except on warrant of the secretary of finance and administration; provided, that in the case of the payments of maturing interest coupons on the bonded debt of the state and in the case of the payment of retiring bonds of this state - either at the maturing of the optional period of the maturity thereof, wherein the law authorizing the issue of such bonds and coupons specifically designates a place of payment other than the office of the state treasurer - the said treasurer may remit such moneys as are necessary, to the places of payment so designated, to take up and pay such state obligations; and immediately upon receipt of such coupons and bonds so paid, he shall present same to the secretary properly cancelled and itemized, and when so presented to the secretary it shall be the duty of that official to issue his warrant chargeable against the proper funds, for the payment so made; provided further, that this article shall not affect or apply to cash appropriations made by the United States government to state institutions, over which the state has no

jurisdiction as to expenditure and wherein such appropriations are remitted to the state treasurer, and by him immediately transferred to the treasurers of such institutions.

History: Laws 1909, ch. 40, § 1; Code 1915, § 5329; C.S. 1929, § 134-408; 1941 Comp., § 3-210; 1953 Comp., § 4-4-9; Laws 1957, ch. 252, § 13; 1977, ch. 247, § 14.

8-6-5. Repealed.

8-6-6. [Malfeasance and neglect of duty by auditor or treasurer.]

If the auditor or treasurer shall wilfully [willfully] neglect or refuse to perform any duty enjoined by law, or shall be guilty of any oppression or extortion in the performance of any legal duty, or shall receive any fee or reward for the performance of any legal duty not allowed by law, or by color of his office shall knowingly do any act not authorized by law, or in any other manner than is required by law, he shall, upon conviction upon indictment, be adjudged guilty of a misdemeanor in office and be fined any sum not exceeding one thousand dollars [(\$1,000)]. The state or any person injured, in the name of the state, may sue, either before or after an indictment found, upon the bonds of the auditor and treasurer, for any damages suffered by reason of any of the acts of the auditor or treasurer in this section mentioned.

History: Laws 1851, p. 170; C.L. 1865, ch. 102, § 15; C.L. 1884, § 1772; C.L. 1897, § 2609; Code 1915, § 5341; C.S. 1929, § 134-609; 1941 Comp., § 3-222; 1953 Comp., § 4-4-21.

8-6-7. Wrongful drawing or payment of warrant by secretary or treasurer; penalty.

A. If the secretary of finance and administration draws any warrant on the state treasurer when he knows or, with the use of available accounting information, should reasonably know there is an insufficient unexpended and unencumbered balance available for the purpose for which the warrant is drawn, he is in violation of this section unless the warrant will be redeemed using receivables accrued for that fiscal year pursuant to policies of the department of finance and administration.

B. If the state treasurer pays any warrant when he knows or, with the use of available accounting information, should reasonably know there are insufficient funds available in the treasury for the purpose to pay the warrant, he is in violation of this section unless the warrant will be redeemed using receivables accrued for that fiscal year pursuant to policies of the department of finance and administration.

C. A violation of this section is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both.

History: 1978 Comp., § 8-6-7, enacted by Laws 1987, ch. 183, § 1; 1993, ch. 105, § 4; 2003, ch. 273, § 16.

ARTICLE 7

Public Regulation Commission Apportionments

8-7-1. Repealed.

History: Laws 1997, ch. 262, § 1; repealed by Laws 2020, ch. 9, § 60.

8-7-2. Repealed.

History: Laws 1997, ch. 262, § 2; repealed by Laws 2020, ch. 9, § 60.

8-7-3. Repealed.

History: Laws 1997, ch. 262, § 3; repealed by Laws 2020, ch. 9, § 60.

8-7-4. Repealed.

History: Laws 1997, ch. 262, § 4; 2001 (1st S.S.), ch. 3, § 1; repealed by Laws 2020, ch. 9, § 60.

8-7-5. Repealed.

History: Laws 1997, ch. 262, § 5; 2001 (1st S.S.), ch. 3, § 2; repealed by Laws 2020, ch. 9, § 60.

8-7-6 to 8-7-10. Unconstitutional.

History: 1978 Comp., § 8-7-6, enacted by Laws 2001 (1st S.S.), ch. 3, § 3.

8-7-11. Repealed.

History: 1978 Comp., § 8-7-11, enacted by Laws 2001 (1st S.S.), ch. 3, § 8; repealed by Laws 2020, ch. 9, § 60.

8-7-12. [Public regulation commission districts.]

Public regulation commission district one is composed of Bernalillo county precincts 4 through 18, 20 through 30, 39, 86, 107, 108, 119 through 121, 125, 131, 150 through 154, 161 through 166, 180 through 187, 191 through 197, 211, 212, 215, 216, 241 through 246, 251 through 258, 271 through 275, 278, 281 through 287, 289 through 302, 304 through 308, 311 through 318, 321 through 324, 326 through 333, 341 through

347, 351 through 358, 371 through 375, 381 through 387, 400 through 456, 461 through 466, 471 through 478, 480 through 500, 502 through 550, 560 through 566, 568, 569 and 601 through 603; and Sandoval county precincts 11 through 13 and 57.

Public regulation commission district two is composed of Bernalillo county precincts 303, 551 through 559 and 570 through 573; Chaves county; Colfax county; Curry county; De Baca county; Eddy county; Guadalupe county; Harding county; Lea county; Lincoln county precincts 1, 3 through 5, 12, 14 through 16 and 19; Mora county precincts 3 and 7 through 11; Otero county precincts 1 through 13, 19, 20, 22 through 33, 35 and 37 through 41; Quay county; Roosevelt county; San Miguel county precincts 1 through 22 and 24 through 28; Santa Fe county precincts 15, 18, 19, 73, 84 and 85; Torrance county precincts 1 through 9 and 11 through 16; and Union county.

Public regulation commission district three is composed of Bernalillo county precincts 1 through 3, 19, 57, 68 through 70, 78 through 85, 87, 89, 110 through 118, 127 through 129, 134, 170, 171 and 567; Los Alamos county; Mora county precincts 1, 2 and 4 through 6; Rio Arriba county precincts 1 through 23, 28 and 31 through 42; San Miguel county precinct 23; Sandoval county precincts 1 through 6, 28 through 56, 58 through 76 and 80 through 86; Santa Fe county precincts 1 through 11, 13, 14, 16, 17, 20 through 71, 74 through 83 and 86 through 88; and Taos county.

Public regulation commission district four is composed of Bernalillo county precincts 31 through 38, 40 through 56, 58 through 67, 71 through 77, 88, 90 through 99, 101 through 106, 109, 122 through 124, 132, 133, 135 through 144, 214, 217, 221 and 223 through 226; Cibola county; McKinley county; Rio Arriba county precincts 24 through 27, 29 and 30; San Juan county; Sandoval county precincts 7 through 10, 14 through 27, 78 and 79; Santa Fe county precincts 12 and 72; Socorro county precincts 15 and 26; and Valencia county precinct 13.

Public regulation commission district five is composed of Catron county; Doña Ana county; Grant county; Hidalgo county; Lincoln county precincts 2, 6 through 11, 13, 17, 18, 20 and 21; Luna county; Otero county precincts 14 through 18, 21, 34 and 36; Sierra county; Socorro county precincts 1 through 14 and 16 through 25; Torrance county precinct 10; and Valencia county precincts 1 through 12 and 14 through 41.

ARTICLE 8

Public Regulation Commission

8-8-1. Recompiled.

History: Laws 1998, ch. 108, § 1; 2007, ch. 161, § 1; § 8-8-1, recompiled and amended as § 62-19-1 by Laws 2020, ch. 9, § 15.

8-8-2. Recompiled.

History: Laws 1998, ch. 108, § 2; § 8-8-2, recompiled and amended as § 62-19-2 by Laws 2020, ch. 9, § 16.

8-8-3. Recompiled.

History: Laws 1998, ch. 108, § 3; § 8-8-3, recompiled and amended as § 62-19-3 by Laws 2020, ch. 9, § 17.

8-8-3.1. Recompiled.

History: Laws 2013, ch. 64, § 1; 2019, ch. 212, § 210; § 8-8-3.1, recompiled and amended as § 62-19-5 by Laws 2020, ch. 9, § 19.

8-8-3.2. Recompiled.

History: Laws 2013, ch. 64, § 2; § 8-8-3.2, recompiled and amended as § 62-19-6 by Laws 2020, ch. 9, § 20.

8-8-4. Recompiled.

History: Laws 1998, ch. 108, § 4; § 8-8-4, recompiled as § 62-19-9 by Laws 2020, ch. 9, § 59.

8-8-4.1. Recompiled.

History: Laws 2009, ch. 216, § 1; § 8-8-4.1, recompiled as § 62-19-10 by Laws 2020, ch. 9, § 59.

8-8-5. Recompiled.

History: Laws 1998, ch. 108, § 5; 2000, ch. 57, § 1; 2013, ch. 74, §1; § 8-8-5, recompiled as § 62-19-11 by Laws 2020, ch. 9, § 59.

8-8-6. Recompiled.

History: Laws 1998, ch. 108, § 6; 2007, ch. 161, § 2; 2013, ch. 74, § 2; 2020, ch. 9, § 21; § 8-8-6, recompiled as § 62-19-12 by Laws 2020, ch. 9, § 59.

8-8-7. Recompiled.

History: Laws 1998, ch. 108, § 7; 2001, ch. 245, § 1; 2013, ch. 75, § 10; § 8-8-7, recompiled as § 62-19-13 by Laws 2020, ch. 9, § 59.

8-8-8. Recompiled.

History: Laws 1998, ch. 108, § 8; § 8-8-8, recompiled as § 62-19-14 by Laws 2020, ch. 9, § 59.

8-8-9. Repealed.

History: Laws 1998, ch. 108, § 9; 2007, ch. 161, § 3; repealed by Laws 2013, ch. 74, § 40.

8-8-9.1. Recompiled.

History: Laws 2001, ch. 80, § 1; recompiled by Laws 2020, ch. 9, § 57.

8-8-9.2. Recompiled.

History: Laws 2003, ch. 235, § 3; recompiled by Laws 2007, ch. 282, § 14.

8-8-9.3. Repealed.

History: Laws 2007, ch. 161, § 4; repealed by Laws 2020, ch. 9, § 61.

8-8-10. Recompiled.

History: Laws 1998, ch. 108, § 10; § 8-8-10, recompiled as § 62-19-15 by Laws 2020, ch. 9, § 59.

8-8-11. Recompiled.

History: Laws 1998, ch. 108, § 11; § 8-8-11; recompiled as § 62-19-16 by Laws 2020, ch. 9, § 59.

8-8-12. Recompiled.

History: Laws 1998, ch. 108, § 12; 2003, ch. 346, § 1; § 8-8-12, recompiled as § 62-19-17 by Laws 2020, ch. 9, § 59.

8-8-12.1. Recompiled.

History: Laws 2000, ch. 100, § 1; 2000, ch. 102, § 1; § 8-8-12.1, recompiled as § 62-19-18 by Laws 2020, ch. 9, § 59.

8-8-13. Recompiled.

History: Laws 1998, ch. 108, § 13; § 8-8-13, recompiled as § 62-19-19 by Laws 2020, ch. 9, § 59.

8-8-14. Recompiled.

History: Laws 1998, ch. 108, § 14; 2003, ch. 346, § 2; 2013, ch. 74, § 3; § 8-8-14, recompiled as § 62-19-20 by Laws 2020, ch. 9, § 59.

8-8-15. Recompiled.

History: Laws 1998, ch. 108, § 15; 2001, ch. 117, § 1; § 8-8-15, recompiled as § 62-19-21 by Laws 2020, ch. 9, § 59.

8-8-16. Recompiled.

History: Laws 1998, ch. 108, § 16; § 8-8-16, recompiled as § 62-19-22 by Laws 2020, ch. 9, § 59.

8-8-17. Recompiled.

History: Laws 1998, ch. 108, § 17; 2003, ch. 346, § 3; 2004, ch. 81, § 1; § 8-8-17, recompiled as § 62-19-23 by Laws 2020, ch. 9, § 59.

8-8-18. Recompiled.

History: Laws 1998, ch. 108, § 18; § 8-8-18, recompiled and amended as § 62-19-7 by Laws 2020, ch. 9, § 22.

8-8-19. Recompiled.

History: Laws 1998, ch. 108, § 19; § 8-8-19, recompiled and amended as § 62-19-8 by Laws 2020, ch. 9, § 23.

8-8-20. Recompiled.

History: Laws 1998, ch. 108, § 20; § 8-8-20, recompiled and amended as 62-19-24 by Laws 2020, ch. 9, § 59.

8-8-21. Repealed.

History: 1998, ch. 108, § 80; repealed by Laws 2013, ch. 75, § 53.