



CONFLICTS

FIFTY-FIRST LEGISLATURE
First Session, 2013

FINAL

NEW MEXICO LEGISLATIVE COUNCIL SERVICE
411 STATE CAPITOL
SANTA FE, NEW MEXICO 87501

NEW MEXICO LEGISLATIVE COUNCIL SERVICE
411 State Capitol
Santa Fe, New Mexico 87501
(505) 986-4600
January 27, 2013

Information Memorandum

TO: Interested Persons

FROM: Legislative Council Service

SUBJECT: CONFLICTS

Attached is a list of possible conflicts between two or more bills including all action taken up to the date of this report.

The list shows the sections of the New Mexico Statutes Annotated (NMSA 1978), the bill or chapter numbers and the primary sponsors.

This list includes only bills that propose to amend or repeal existing sections of the NMSA 1978, or bills that specifically assign new NMSA 1978 section numbers to the bills' provisions. Other bills that propose new sections of the NMSA 1978 may conflict but are not listed here because compilation numbers have not been assigned.

Bills identified as having potential conflicts should be read in light of the New Mexico Supreme Court decision in *New Mexico v. Smith*, stating that when two or more acts are enacted during the same session that amend the same section of law, and there is no conflict, the acts are law and must be read together so as to give effect to each when possible; however, the Compilation Commission will compile the last one signed and will reflect any other amendments in the notes.

However, if a conflict is irreconcilable, a later-enacted statute will generally govern. Ultimately, whether there is an actual or perceived conflict, the courts determine which law rules.

Regardless of whether there is an actual conflict or not, multiple amendments to the same section of law may create uncertainty and should, therefore, be avoided. The Legislative Council Service can work with the sponsors of bills to resolve conflicts.

**New Mexico Legislature
Fifty-First Legislature
First Regular Session, 2013**

Final Conflicts in NMSA Sections

Statutory

Citation	Legislation	Action	Title	Sponsor
1- 4	H 497	D/N	ELECTRONIC VOTER REGISTRATION UPDATES Ch. 91	192789.1 Smith
3-60B- 1	H 76	A	FRONTIER COMMUNITIES PROGRAM Ch. 60	190469.1 Lundstrom
3-60B- 1	S 185	A	FRONTIER COMMUNITIES PROGRAM Ch. 62	191491.1 Woods
3-60B- 4	S 185	A	FRONTIER COMMUNITIES PROGRAM Ch. 62	191491.1 Woods
3-60B- 4	H 76	A	FRONTIER COMMUNITIES PROGRAM Ch. 60	190469.1 Lundstrom
7-17- 2	S 116	D/A	LIQUOR TAX SMALL WINEGROWER VOLUME LIMIT Ch. 95	190556.1 Smith
7-17- 2	S 81	D/A	LIQUOR TAX MICROBREW VOLUME LIMIT Ch. 94	190270.2 Beffort
7-17- 5	S 116	D/A	LIQUOR TAX SMALL WINEGROWER VOLUME LIMIT Ch. 95	190556.1 Smith
7-17- 5	S 81	D/A	LIQUOR TAX MICROBREW VOLUME LIMIT Ch. 94	190270.2 Beffort
13- 1- 98	S 443	A	GOVERNMENT PROCUREMENT REQUIREMENTS Ch. 70	191767.4 Rue
13- 1- 98	S 182	A	PROCUREMENT CODE CHANGES Ch. 40	190277.3SA Rue
13- 1- 98	S 247	A	CHILDHOOD DEVELOPMENT SERVICES PROCUREMENT Ch. 71	191441.1 Beffort
14- 2- 6	S 353	A	LOCAL GOV'T RECORD INDEXING & PROTECTION Ch. 117	190378.4 SJC SJC
14- 2- 6	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-10- 1	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-10- 2	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-10- 3	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-10- 4	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-10- 5	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
14-16- 18	S 79	A	ELECTRONIC PROFESSIONAL LICENSE RENEWAL Ch. 68	190835.2 Rue
14-16- 18	S 307	A	PUBLIC RECORDS CHANGES Ch. 214	190377.3 Ivey-Soto
21-23- 12	H 46	A	TRANSFER CORPORATIONS FROM PRC TO SOS Ch. 75	190978.2 Taylor
21-23- 12	S 638	A	PUBLIC PEACE, HEALTH, SAFETY & WELFARE Ch. 59	192889.1 SJC SJC
22- 1- 10	H 462	A	SCHOOL DISTRICT SOLVENCY FLEXIBILITY Ch. 187	191644.1 Gallegos DM
22- 1- 10	S 464	A	SCHOOL DISTRICT SOLVENCY FLEXIBILITY Ch. 203	192609.1 Kernan
25-11- 1	S 234	A	NEW MEXICO CHILE ADVERTISING ACT VIOLATIONS Ch. 211	190572.3 SJC SJC
25-11- 3	H 238	A	NM CHILE ADVERTISING ACT VIOLATIONS Ch. 85	191708.1 SCONC SCONC
25-11- 3	S 234	A	NEW MEXICO CHILE ADVERTISING ACT VIOLATIONS Ch. 211	190572.3 SJC SJC
25-11- 4	S 234	A	NEW MEXICO CHILE ADVERTISING ACT VIOLATIONS Ch. 211	190572.3 SJC SJC
49- 1- 2	S 5	A	SAN ANTONIO LAND GRANT POLITICAL STATUS Ch. 8	190613.1 Cisneros
49- 1- 2	H 34	A	TECOLOTE LAND GRANT MANAGEMENT Ch. 83	190612.1 Garcia MP
51- 1- 8	H 329	A	RECOVERY OF CERTAIN UNEMPLOYMENT BENEFITS Ch. 132	191215.4SA Brown
51- 1- 8	S 334	D/A	UNEMPLOYMENT FUND CONTRIBUTIONS & FORMULA Ch. 133	191218.4SA SFC SFC
58- 9- 1	S 180	D/A	TRUST COMPANY CERTIFICATE FEES & REQUIREMENTS Ch. 97	191444.2SA Neville
58- 9- 1	H 347	D/A	TRUST COMPANY CERTIFICATE FEES Ch. 88	191915.1 Rodella
58- 9- 5	H 347	D/A	TRUST COMPANY CERTIFICATE FEES Ch. 88	191915.1 Rodella
58- 9- 5	S 180	D/A	TRUST COMPANY CERTIFICATE FEES & REQUIREMENTS Ch. 97	191444.2SA Neville
58- 9- 6	H 347	D/A	TRUST COMPANY CERTIFICATE FEES Ch. 88	191915.1 Rodella
58- 9- 6	S 180	D/A	TRUST COMPANY CERTIFICATE FEES & REQUIREMENTS Ch. 97	191444.2SA Neville

**New Mexico Legislature
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Final Conflicts in NMSA Sections

Statutory

Citation	Legislation	Action	Title	Sponsor
58- 9- 10	S 180	D/A	TRUST COMPANY CERTIFICATE FEES & REQUIREMENTS Ch. 97	191444.2SA Neville
58- 9- 10	H 347	D/A	TRUST COMPANY CERTIFICATE FEES Ch. 88	191915.1 Rodella
59A	S 196	A	LONG-TERM CARE INSURANCE PARTNERSHIP PROGRAM Ch. 139	191231.1 Cotter
59A-56- 3	S 221	D/R	NM HEALTH INSURANCE EXCHANGE ACT Ch. 54	191301.5 SCORC SCORC
59A-56- 3	H 45	A	TRANSFER INSURANCE REGULATION FROM PRC Ch. 74	190908.3 HJC HJC
59A-56- 25	S 221	D/R	NM HEALTH INSURANCE EXCHANGE ACT Ch. 54	191301.5 SCORC SCORC
59A-56- 25	H 45	A	TRANSFER INSURANCE REGULATION FROM PRC Ch. 74	190908.3 HJC HJC
60- 1A- 14	S 72	A	RACEHORSE TESTING STANDARDS Ch. 102	191247.2 Papen
60- 1A- 14	S 444	A	HORSE RACING LICENSES, TESTING & PENALTIES Ch. 103	190985.5 SJC SJC
60-13- 2	S 249	A	STATEWIDE CONSTRUCTION INSPECTORS Ch. 142	190415.8 Papen
60-13- 2	H 348	A	STATEWIDE CONSTRUCTION INSPECTOR LICENSING Ch. 153	191853.1 Rodella
60-13- 9	H 348	A	STATEWIDE CONSTRUCTION INSPECTOR LICENSING Ch. 153	191853.1 Rodella
60-13- 9	S 249	A	STATEWIDE CONSTRUCTION INSPECTORS Ch. 142	190415.8 Papen
60-13- 24	S 249	A	STATEWIDE CONSTRUCTION INSPECTORS Ch. 142	190415.8 Papen
60-13- 24	H 348	A	STATEWIDE CONSTRUCTION INSPECTOR LICENSING Ch. 153	191853.1 Rodella
60-13- 41	S 249	A	STATEWIDE CONSTRUCTION INSPECTORS Ch. 142	190415.8 Papen
60-13- 41	H 348	A	STATEWIDE CONSTRUCTION INSPECTOR LICENSING Ch. 153	191853.1 Rodella
60-13- 43	S 249	R	STATEWIDE CONSTRUCTION INSPECTORS Ch. 142	190415.8 Papen
60-13- 43	H 348	R	STATEWIDE CONSTRUCTION INSPECTOR LICENSING Ch. 153	191853.1 Rodella
62-17- 4	H 267	A	UTILITY ENERGY EFFICIENCY & LOAD MANAGEMENT Ch. 124	191490.1SA HBIC HBIC
62-17- 4	S 621	A	PUBLIC PEACE, HEALTH, SAFETY & WELFARE Ch. 220	192889.1 Cervantes
62-17- 5	S 621	A	PUBLIC PEACE, HEALTH, SAFETY & WELFARE Ch. 220	192889.1 Cervantes
62-17- 6	S 621	A	PUBLIC PEACE, HEALTH, SAFETY & WELFARE Ch. 220	192889.1 Cervantes
65- 2A- 2	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 2	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 3	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 3	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 4	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 4	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 5	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 5	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 6	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 6	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 7	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 7	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 8	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 8	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC
65- 2A- 9	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2 SCORC SCORC
65- 2A- 9	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4 HBIC HBIC

**New Mexico Legislature
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Final Conflicts in NMSA Sections

Statutory

Citation	Legislation	Action	Title		Sponsor
65- 2A- 10	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 10	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 11	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 11	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 12	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 12	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 13	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 14	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 15	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 16	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 17	H 194	R	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 17	S 328	R	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 18	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 19	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 20	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 21	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 22	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 22	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 23	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 23	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 24	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 25	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 26	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 27	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 28	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 29	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 29	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 30	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 30	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 33	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 33	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 36	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 37	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 38	H 194	A	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 38	S 328	A	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC
65- 2A- 40	H 194	R	AMEND MOTOR CARRIER LAW ACT Ch. 77	190977.4	HBIC HBIC
65- 2A- 40	S 328	R	MOTOR CARRIER QUALITY OF SERVICE STANDARDS Ch. 73	191642.2	SCORC SCORC

New Mexico Legislature
 Fifty-First Legislature
 First Regular Session, 2013

Final Conflicts in NMSA Sections

Statutory

Citation	Legislation	Action	Title			Sponsor
73-20- 22	H 448	A	REMOVAL OF LANDS FROM WATERSHED DISTRICTS Ch. 17	192211.1		Dodge
73-20- 22	S 283	A	REMOVAL OF LAND FROM WATERSHED DISTRICTS Ch. 169	190615.2		Papen
73-20- 23	H 448	A	REMOVAL OF LANDS FROM WATERSHED DISTRICTS Ch. 17	192211.1		Dodge
73-20- 23	S 283	A	REMOVAL OF LAND FROM WATERSHED DISTRICTS Ch. 169	190615.2		Papen

Action Codes:

- | | | | |
|-------|---------------------------------|--------|------------------------------|
| A | - Amended section | R | - Repealed section |
| N | - New section | D/R | - Delayed repeal |
| R/C | - Recompiled to new number | R/N | - Repealed and enacted |
| N/C | - Newly compiled as this number | D/R/N | - Delayed repeal and enacted |
| N/C/A | - Newly compiled and amended | D/RCMP | - Delayed and recompiled |
| D/N | - Delayed new | * | - Multiple entry |
| D/A | - Delayed amended | | |