



CONFLICTS

FORTY-EIGHTH LEGISLATURE
Second Session, 2008

Includes All Action Through
March 5, 2008

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

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411 State Capitol
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March 5, 2008

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
Forty-Eighth Legislature
Second Session, 2008**

Final Conflicts in NMSA Sections

Citation	Legislation	Action	Title			Sponsor
9-7- 6. 5	S 258	A	FORT BAYARD MEDICAL CENTER REPLACEMENT Ch. 4	171484.2		Morales
9-7- 6. 5	H 486	A	FORT BAYARD MEDICAL CENTER REPLACEMENT Ch. 70	172272.1		Martinez R
13-1- 98	H 486	A	FORT BAYARD MEDICAL CENTER REPLACEMENT Ch. 70	172272.1		Martinez
13-1- 98	S 258	A	FORT BAYARD MEDICAL CENTER REPLACEMENT Ch. 4	171484.2		Morales
26-1- 2	H 89	A	PHYSICIAN ASSISTANT REQUIREMENTS Ch. 9	170053.1		Cote
26-1- 2	H 275	A	ADVANCED CHIROPRACTIC CERTIFICATION REGISTRY Ch. 44	170731.1		Lujan B
61-6- 5	S 269	A	POLYSOMNOGRAPHY PRACTICE ACT Ch. 54	171010.2		SFC
61-6- 5	S 415	A	GENETIC COUNSELOR LICENSING REQUIREMENTS Ch. 53	171432.1		Lopez
61-6- 5	S 127	A	WAIVE LICENSURE FEES FOR MEDICAL DOCTORS Ch. 55	170438.1SA		Komadina
61-6- 15	S 415	A	GENETIC COUNSELOR LICENSING REQUIREMENTS Ch. 53	171432.1		Lopez
61-6- 15	S 269	A	POLYSOMNOGRAPHY PRACTICE ACT Ch. 54	171010.2		SFC
61-6- 31	S 269	A	POLYSOMNOGRAPHY PRACTICE ACT Ch. 54	171010.2		SFC
61-6- 31	S 127	A	WAIVE LICENSURE FEES FOR MEDICAL DOCTORS Ch. 55	170438.1SA		Komadina
61-6- 31	S 415	A	GENETIC COUNSELOR LICENSING REQUIREMENTS Ch. 53	171432.1		Lopez
Art 5	SJR 8	A/N	LT. GOVERNOR VACANCY APPOINTMENT, CA	172023.1		Ortiz y Pino
Art 5	SJR 1	A/N	CABINET SECRETARY CONFIRMATIONS, CA	171373.1		Rawson

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 | * | - Multiple entry |
| D/N | - Delayed new | | |
| D/A | - Delayed amended | | |