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FISCAL IMPACT REPORT

SPONSOR Munoz ORIGINAL DATE 2/27/19
 LAST UPDATED _____ HB _____

SHORT TITLE Publication of Legal Notices SB 587

ANALYST Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate but minimal			Indeterminate but minimal	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 587 amends Section 14-11-2 NMSA 1978 to require that every legal notice or advertisement be published in a daily, tri-weekly, semi-weekly, or weekly newspaper of general circulation that (1) can be obtained by single copy; (2) is entered under the second class postage privilege in the county in which the notice or advertisement is required to be published; (3) has an audit of circulation certified by an independent auditing firm or a business recognized in the newspaper industry as a circulation auditor; (4) if published tri-weekly, semi-weekly or weekly, has been so published in the county continuously during the 26 consecutive weeks that immediately precede the issue containing the notice or advertisement; and (5) if published daily, has been so published in the county continuously during the six months that immediately precede the issue containing the notice or advertisement. If in any county there is not a newspaper that has been published for the prescribed period at the time when a notice or advertisement is required to be published, the notice or advertisement may be published in any newspaper that has a general circulation or that is published and printed in whole or in part in that county and that can be obtained by single copy in that county.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

SIGNIFICANT ISSUES

According to the Administrative Office of the Courts:

It is unknown how many New Mexico newspapers use a circulation auditor. This bill may result in legal notices and advertisements being published in publications that have a larger circulation and therefore increase the likelihood that the persons entitled to receive notice of pending legal actions receive actual notice.

This bill may affect the ability of litigants in smaller, rural communities to publish legal notices and advertisements in small, local newspapers if these newspapers do not use a circulation auditor. The statute, at Section 14-11-2(E) NMSA 1978, allows for publication in a newspaper published outside of the county in which the notice is required to be published if there is not a newspaper published for the “prescribed period of time” within the county. However, this does not clearly allow publication in another newspaper if the newspaper in the county does not use a circulation auditor. Even if 14-11-2(E) was read to allow publication in a non-county newspaper when the newspaper in the county did not use a circulation auditor, this could result in increased costs for litigants in small, rural communities as larger newspapers often charge more for publication of legal notices and advertisements.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to SB524, which requires legal notices and advertisements by a state agency to be displayed on the state agency’s website.

IT/sb