

**Opinion No. 43-4320**

June 21, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Arie Poldervaart, Librarian, New Mexico Law Library, Santa Fe, New Mexico

I have your letter of this date requesting an opinion concerning Section 3-713 of the New Mexico 1941 Compilation in regard to the question concerning what reports, pamphlets or publications are to be filed with the Librarian of the Law Library of the State of New Mexico.

The pertinent part of Section 3-713 provides:

"It is hereby required and made the duty of the official head of each state office, commission, department or institution, immediately after the issuance of any official report, pamphlet or publication relating to the affairs of such office, commission, department or institution, to immediately file \* \* \*."

Your question concerns primarily the interpretation of the phrase "affairs of such office," as used in such section.

In view of the entire section, such phrase must refer to any official report, pamphlet or publication relating to the purposes for which such state office, commission, department or institution is maintained. In other words, any publication of the New Mexico Historical Society or the University of New Mexico Press, relating to the state as a whole and not necessarily confined to the particular affairs of the issuing agency of such, must be filed. To interpret the statute otherwise would result, in effect, in rendering nugatory the words "pamphlet or publication," since a matter pertaining merely to the affairs of the issuing agency as such would, in effect, be only an official report. The use of the words "pamphlet or publication" denotes an intent upon the part of the Legislature to have all publications issued by such agency properly filed if it pertains to the purpose of such office.

Your next question concerns whether or not only printed publications are required to be filed. The statute does not limit official reports, pamphlets or publications to printed matters only. If a typed or mimeographed matter is, in fact, an official report, pamphlet or publication, as above defined, it should be filed, regardless of whether or not it is actually printed, as such phrase is generally used.

Hoping that the above sufficiently answers your inquiries, I am

By HARRY L. BIGBEE

Asst. Atty. General