

Opinion No. 57-50

March 14, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Paul L. Billhymer, Assistant Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, Santa Fe, New Mexico

QUESTIONS

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What is the effective date of laws passed by the 1957 Session of the Legislature which do not bear an emergency clause?

ANSWER

The effective date is June 7, 1957.

OPINION

ANALYSIS

Article IV, Section 23 of the New Mexico Constitution so far as is pertinent to this question reads as follows:

"Laws shall go into effect ninety days after the adjournment of the legislature enacting them, except general appropriation laws, which shall go into effect immediately upon their passage and approval. . . ."

Proper construction as to the meaning of this section will be found in the case of **Garcia vs. J. C. Penny**, 52 N.M. 410, which states the rule as follows:

"The rule now supported by nearly all the modern cases is that the time shall be computed by excluding the day, or the day of the event, from which time is to be computed and including the last day of the number constituting the specific period. . . ."

Thus the day of the event, being the day of adjournment, March 9th would not be counted. The first day of the ninety day period would be March 10th. Thus, we would have twenty-two days to count for the month of March; thirty days would be counted for the month of April; thirty-one days would be counted for the month of May, and seven days in the month of June, to make a total of ninety days. As pointed out in the above quotation the last day of the named period would be considered the effective date when the laws become operative.