

Opinion No. 59-113

August 19, 1959

BY: HILTON A. DICKSON, JR., Attorney General

TO: Mr. William W. Osborn State Senator, Chaves County 306 1/2 North Richardson Roswell, New Mexico

{*176} This is in reply to your recent request for our opinion regarding the following questions:

1. What date did the new Workmen's Compensation Act (Chapter 67, §§ 1-32, Laws of 1959) become effective?
2. Did any specific provisions of the Act become effective at different dates?

Our answers to your questions are as follows:

1. The Workmen's Compensation Act enacted by Chapter 67, §§ 1-32, Laws 1959, became effective on July 1, 1959.

{*177} 2. The entire Act became effective the same date.

Chapter 67, §§ 1-32, Laws 1959, compiled in §§ 59-10-1 through 59-10-37, N.M.S.A., 1953 Compilation (P.S.), extensively amended the existing Workmen's Compensation legislation of the State. Section 31 of the Act states that the effective date of the 1959 Act is July 1, 1959. Therefore, unless this section is invalid because of the provisions of Article IV, Section 23 of the New Mexico Constitution, the effective date as spelled out in the Act controls.

Article IV, Section 23, states in effect that the laws enacted by the Legislature and approved by the Governor (Art. IV, § 22) shall go into effect ninety days after the adjournment of the Legislature enacting them, excepting general appropriation laws and acts necessary for the preservation of the public peace, health or safety passed by two-thirds vote of each house which go into effect immediately upon passage and approval. In the case of laws necessary for the preservation of the public peace, health, or safety, each act must so specify in a separate section in order to have its effect take place upon passage and approval.

The twenty-fourth regular session of the Legislature adjourned at 12:00 o'clock noon March 14, 1959.

This question has been decided by the Supreme Court of New Mexico in **State ex rel. New Mexico State Bank v. Montoya**, 22 N.M. 215, 160 P. 359 (1916). In this case, the Court held that the above cited constitutional limitation is a limitation upon the right of

the Legislature to provide a shorter period than ninety days after adjournment when legislative enactments become effective, but does not preclude the fixing of a longer period. Therefore, the provisions of Chapter 67, §§ 1-32, Laws 1959, became effective on July 1, 1959, instead of June 12, 1959, being ninety days from the date of adjournment, excluding the date of adjournment. See **Garcia v. J. C. Penney Co.**, 52 N.M. 410, 200 P 2d 372 (1948), and our Opinion No. 57-50, dated March 14, 1957.

In answer to your question No. 2, suffice it to say that nowhere in the 1959 Act is there provided a separate effective date for any section or sections of the Act. Therefore, the entire Act, as approved, became effective July 1, 1959.

By Philip R. Ashby

Assistant Attorney General