

Opinion No. 65-60

April 6, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General Thomas A. Donnelly, Assistant Attorney General

TO: Honorable R. C. Morgan, State Senator, 223 South Main Street, Portales, New Mexico

QUESTION

QUESTIONS

1. What legal limitations exist as to the scope of operations of the legislative committee provided for in Senate Bill 129, First Session, Twenty-Seventh Legislature?
2. May the committee take up and consider such matters as school distribution formulas and school bus transportation laws, as well as make recommendations for changes?

CONCLUSIONS

1. See analysis.
2. Yes.

OPINION

{*99} ANALYSIS

The Twenty-Seventh Legislature, First Session, enacted as an emergency law Senate Bill No. 129. This act was signed by the governor on March 31, 1965, and a portion of such laws was item vetoed by the governor. Immediately upon signature the act became effective as Chapter 257, Laws of 1965. The pertinent provisions of such act are set forth as follows:

"Section 1. The legislative council shall instruct the legislative council service to codify all laws pertaining to schools and public education. The codification shall be done *{*100}* in such manner that conflicts or other matters requiring policy decisions shall be shown in alternative provisions. The legislative council shall appoint a joint interim committee of legislators to study the draft codification and alternate provisions, as well as any suggestions or recommendations made by public school officials, and recommend to the first regular session of the twenty-eighth legislature any legislation the committee deems desirable.

Section 2. For the purpose of paying salaries and expenses of the technical, legal and clerical assistants and per diem and mileage of the committee appointed by the legislative council, there is appropriated the sum of fifteen thousand dollars (\$ 15,000), all or any part of which is available during the fifty-third, fifty-fourth and fifty-fifth fiscal years. Any funds not used shall revert to the general fund at the end of the fifty-fifth fiscal year. Payments from this appropriation shall be made upon vouchers signed by the director of the legislative council service or his authorized representative."

As expressed in the above quoted statute the Legislative Council is directed to instruct the Legislative Council Service to "codify" all laws pertaining to schools and public education. The term "codify" or codification" as defined in Black's Law Dictionary, Fourth Edition, is as follows: "Process of collecting and arranging the laws of a country or state into a code, i.e, into a complete system of positive law, scientifically ordered, and promulgated by legislative authority."

The provisions of Chapter 257, Laws 1965, also, however, direct that the Legislative Council appoints a joint interim legislative committee of legislators "to study the draft codification and alternate provisions, as well as any suggestions or recommendations made by public school officials, **and recommend to the first regular session of the twenty-eighth legislature any legislation the committee deems desirable.**"

From the wording of Chapter 257, supra, it is our opinion that the legislative committee contemplated under such act is empowered to give direction and supervision to the preparation of the codification. This direction and continuing supervision is mainly within the sound discretion of the legislative committee and may entail public hearings, interviews of public and private individuals and research and detailed examination of existing material relative to the subject matter of public education.

Thus, as we interpret Chapter 257, the legislative committee appointed by the Legislative Council is charged with the duty of updating the existing school laws, eliminating conflicts and ambiguities and recommending new changes to the legislature which would improve the administration of public education when deemed desirable in the opinion of the committee. In performing this task the committee, we believe, may believe, may operate within its sound discretion and the available financial resources available to it -- as long as the primary point of the committee's work is aimed at improving public education and formulating legislation designed to accomplish this purpose. Clearly, in answer to your first and second questions, the committee may take up and consider any matters reasonably incident and related to public education and the proposed recodification of the school laws in New Mexico.