

Opinion No. 66-141

December 15, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General Myles E. Flint, Assistant Attorney General

TO: Mr. R. F. Apodaca, Superintendent, Department of Insurance, State Capitol, Santa Fe, New Mexico

QUESTION

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Was Section 58-5-48, N.M.S.A., 1953 Compilation, repealed by Chapter 166, Section 20, New Mexico Laws 1953?

CONCLUSION

Yes, but see Analysis.

OPINION

{*184} ANALYSIS

Section 58-5-48, N.M.S.A., 1953 Compilation, was enacted as Chapter 216, Section 2 New Mexico Laws 1951. It was compiled, upon enactment as Section 60-1317, N.M.S.A., 1941 Compilation (P.S.).

In 1953, the Legislature enacted Chapter 166, Section 20, New Mexico Laws 1953, which provided as follows:

"Section 20. LAWS REPEALED. -- Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, Chapter 207, Session Laws of 1947 (being Sections 60-1301, 60-1302, 60-1303, 60-1304, 60-1305, 60-1306, 60-1307, 60-1308, 60-1309, 60-1310, 60-1311, 60-1312 as amended by Section 2, Chapter 166, and by Section 1, Chapter 216, Session Laws of 1951, and 60-1313, 60-1314, 60-1315, 60-1316, and 60-1317 of the 1951 Supplement to the 1941 Compilation, New Mexico Statutes Annotated), are hereby repealed."

The question posed herein is raised by the fact that the above repealing section mentions the sections now codified as Section 58-5-48, supra, only by reference to its unofficial {*185} section number and not by reference to the official laws, the session laws citation. Does the fact that the session laws citation was not mentioned, make the attempted repeal of this section ineffective?

It is our opinion that this section, Section 58-5-48, supra, was effectively repealed by Chapter 166, Section 20, New Mexico Session Laws 1953. This opinion is based upon the holding of the State Supreme Court in **In Re Sosa's Petition**, 74 N.M. 182, 392 P. 2d 14 (1964). There, when faced with an almost identical situation, the Court held that said language constituted an express repeal and that the section had no further effect.