

Opinion No. 39-3001

January 19, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Honorable John E. Miles, Governor of New Mexico, Santa Fe, New Mexico.

{*12} House Bill No. 1, providing for the payment of per diem and mileage of the Lieutenant Governor and Members of the Fourteenth Legislature, and per diem of employees of said Legislature, was passed with the Emergency Clause, but without any declaration in the title that it was an emergency measure.

The question has been raised whether or not the failure to express in the title, as is customary, the fact that it is an emergency measure violates the provisions of Section 16, Article IV, of the State Constitution, and whether the statute is valid and effective immediately.

The rule, which I believe is well established, is stated in 59 C.J. 808 as follows:

"When act becomes effective, not being any part of the subject, need not be expressed in the title; and so the title of an act need not indicate that it is an emergency measure or is to take effect at once upon its passage."

This text seems to be supported unanimously by a number of cases having similar constitutional provisions as the one above cited. See also the very recent case of Hill vs. Taylor (Ky.) 95 S.W. (2d) 566.

It is my opinion that it is not necessary to state in the title the fact that the bill carries the emergency clause, and that House Bill No. 1, having passed with the Emergency Clause, becomes law immediately upon your signature being attached to it.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.