

Opinion No. 39-3193

June 27, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Rex French, State Treasurer, Santa Fe, New Mexico.

{*71} In your letter of June 27 you inquire whether Chapter 104, Laws of 1935, as amended by Chapter 226, Laws of 1937, in any way affects the validity of or repeals Chapter 34, Laws of 1934.

In my opinion Chapter 34, Laws of 1934, is in full force and effect. Chapter 104, Laws of 1935, is a general act but temporary in character; Chapter 34 of the Laws of 1934, on the other hand, was especially enacted for the benefit of the New Mexico Insane Asylum and is permanent in character. Although the 1935 act covers the same ground and adds one or two features thereto (see Sections 3 and 13), there is good reason to believe that it was not the intent of the Legislature to completely replace the 1934 act which was, as stated above, for the benefit of a specific institution and somewhat more limited in character but permanent.

In addition to this, the 1935 act, as indicated by its title, had, when originally introduced in the Legislature, an additional section numbered 18 repealing all acts and parts of acts in conflict therewith. The enrolled and engrossed bill shows that this particular section was deleted. This, in my {*72} opinion, is further evidence of the intent of the Legislature not to repeal other acts authorizing bond issues.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.