

Opinion No. 51-5381

July 9, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Burton G. Dwyre State Highway Engineer Santa Fe, New Mexico

{*67} I am in receipt of your letter of June 20 in which you request an interpretation of HB 135, 1951 Legislature. In particular, you ask whether a county, such as McKinley, could incur indebtedness to the Highway Department after the passage of the bill and prior to the end of the fiscal year, so as to derive the benefits of the Act and have its indebtedness thereby extinguished.

Normally, a bill which does not carry the emergency clause, goes into effect 90 days after the adjournment of the Legislature which has enacted it. See Attorney General Opinion No. 5355, but the bill under consideration specifically provides in Section 4 that the Act shall take effect July 1, 1951. In my opinion, this can only mean that any county which has incurred such indebtedness by July 1, is entitled to have its indebtedness extinguished under the provisions of the Act. It is my opinion that the Legislature intended such a result when it made July 1 the effective date of the Act.

I am under the impression that some members of the Highway Commission regard this bill as unwise legislation. But such a sentiment cannot alter the interpretation given the Act, and effect must be given it in its own terms. In discussing the duty of a court in the interpretation of a statute, 50 Am. Jur. 391, says:

"It is not the function of a court, in the interpretation of statutes, to set forth what it thinks the act under consideration should provide, or to vindicate the wisdom of the law. The mere fact that the statute leads to unwise results, is not sufficient to justify the court in rejecting the plain meaning of unambiguous words, or in giving to a statute a meaning of which its language is not susceptible. An omission or failure to provide for contingencies, which it may seem wise to have provided for specifically, does not justify any judicial addition to the language of the {*68} statute. To the contrary, it is the duty of the courts to interpret a statute as they find it, without reference to whether its provisions are wise or unwise, necessary or unnecessary, appropriate or inappropriate, or well or ill conceived. If a change in the law is needed, it is to be effected by the legislature, and not by judicial action in the guise of interpretation. * * *"

I regret that this office was so long in answering your request. However, there were many collateral questions which arose concerning the validity and interpretation of the Act, and hence the delay.

I hope that this opinion answers your questions on this subject.