

Opinion No. 55-6135

March 28, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, Santa Fe, New Mexico

We are in receipt of your letter of March 16 in regard to the effective date of the statutes passed by the Twenty-second Legislature which do not carry an emergency clause.

Article 4, Section 23 of the New Mexico Constitution reads as follows:

"Laws shall go into effect ninety days after the adjournment of the legislature enacting them, except general appropriation laws, which shall go into effect immediately upon their passage and approval. Any act necessary for the preservation of the public peace, health or safety, shall take effect immediately upon its passage and approval, provided it be passed by two-thirds vote of each house and such necessity be stated in a separate section."

The method of calculating this time is to exclude the first day and include the last. (§ 1-2-2, N.M.S.A., 1953 Comp.) Thus, March 13, at 12:01 A. M., would begin the first day, and the effective date of the legislation which does not carry an emergency clause would be June 10, 1955 at 12:01 A.M. *Garcia v. J. C. Penney Co., Inc., et al*, 52 N.M. 410, 200 P. (2d) 372.

We sincerely hope that this answers your inquiry.

By Fred M. Standley

Assistant Attorney General