

## **Opinion No. 66-25**

February 15, 1966

**BY:** OPINION OF BOSTON E. WITT, Attorney General Oliver E. Payne, Deputy Attorney General

**TO:** Mr. Philip T. Manly, New Mexico Legislative Council, Capitol Building, Santa Fe, New Mexico

### **QUESTION**

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Would a fair-trade repeal amendment to Senate Bill No. 24 of the present session fall within the scope of this thirty-day regular session?

#### **CONCLUSION**

No.

### **OPINION**

#### **{\*28} ANALYSIS**

Article IV, Section 5 of the New Mexico Constitution, as amended in 1964, provides that regular sessions of the legislature convening during even-numbered years may consider "bills drawn pursuant to special messages of the governor."

Senate Bill No. 24 was submitted to the Senate by the Governor with Senate Executive Message No. 36 which reads as follows:

"JANUARY 25, 1966

#### **SENATE EXECUTIVE MESSAGE NO. 36**

**{\*29} To The Honorable President and Members of the Senate**

Twenty-Seventh State Legislature -- 2nd Session

Santa Fe, New Mexico

Gentlemen and Mrs. Vesely:

I am submitting a liquor license proposal which I believe will assist in promoting recreational facilities, tourist - based businesses and other establishments which

promote this industry in New Mexico. **This bill is restricted to the specific question of a special public facilities license. . . .**

**This proposal, while restricting, will fit the immediate need.** Further studies concerning other aspects of our liquor licensing law will be continued in the future.

You are requested to consider the matters incorporated in this bill at this session.  
(Emphasis added.)

Respectfully submitted,

JACK M. CAMPBELL GOVERNOR"

The bill itself clearly shows that the purpose is to provide for the issuance of liquor licenses to public facilities as defined in the bill. That is the sole purpose of the bill. The short title reads as follows:

"46-5-28. [ **NEW MATERIAL** ] SHORT TITLE. -- Sections 46-5-28 through 46-5-48 New Mexico Statutes Annotated, 1953 Compilation may be cited as the "Public Facility Licensing Act".

To engraft an amendment on this bill providing for repeal of the fair-trade law is going far beyond the purpose of the bill as expressed in the bill itself and in the Governor's message.

We conclude, therefore, that such an amendment would not be germane to the subject matter of Senate Bill No. 24. Matters unrelated and not to be expected should not be injected into a bill. **Commonwealth v. Dodson**, Va., 11 S. E. 2d 120.

In order to be germane a provision must be auxiliary to and promotive of the bill's main purpose; and it must have a necessary and natural connection with such purpose. **Los Angeles County v. Frisbie**, Cal. App. 115 P. 2d 900. See the various cases in **Words and Phrases**, Vol. 18, "Germane."

There is no natural, necessary or logical connection between issuance of licenses and price regulation provisions, and both houses of the legislature have recognized this many times in the past.