

## Opinion No. 67-45

March 14, 1967

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

**TO:** Honorable David F. Cargo Governor of New Mexico Legislative-Executive Building  
Santa Fe, New Mexico

### QUESTION

#### QUESTIONS

1. At what time and on what legislative day does the time period begin which is referred to as follows in the constitution: "Every bill which is presented to the Governor during the last three days of the session. . . ."
2. As to bills presented to the Governor after adjournment -- what is the last day and hour on which they must be signed if they are to become law?

#### CONCLUSION

1. 57 legislative day at one second past noon (Wednesday, 15, 1967).
2. Midnight, April 7, 1967.

### OPINION

#### {\*58} ANALYSIS

In determining the final three days, Sundays excepted, in which bills are presented to the governor, legislative days are now to be used as opposed to calendar days. Thus any bill presented to you after noon on Wednesday, March 15, 1967, is a bill presented to you "within the last three days of the session." Article 4, Section 22, New Mexico Constitution.

This conclusion is reached because of the 1965 amendment of Section 1-2-2, N.M.S.A., 1953 Compilation (P.S.) which provides that:

"In the construction of **constitutional** and statutory provisions the following rules shall be observed . . .

In computing the time that a legislative session shall end the word 'day' shall mean a twenty-four hour period from 12:00 o'clock noon on one calendar day to 12:00 noon on the next."

This provision was added to Section 1-2-2, supra, to take care of the problem mentioned in Opinion No. 59-28. That opinion stated that the first legislative day starts at noon and ends on midnight of the same day. However, since the amendment of Section 1-2-2, supra, we now use legislative days in determining the final three days of the session and the three day period commences at one second past noon on Wednesday, 15, 1967.

In computing time after adjournment we must switch back to calendar days since there are at that point no longer any legislative days. The rule is set forth in the case of **Garcia v. J. C. Penney Co.**, 52 N.M. 410, 200 P.2d 372. The day of the event is excluded (Saturday, March 18, 1967) and the twenty day period to act on bills commences on Sunday, March 19, 1967 and ends at midnight Friday, April 7, 1967.

By: Oliver E. Payne

Deputy Attorney General