

Opinion No. 67-75

June 2, 1967

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: E. R. Grilly, State Representative 1467 42nd Street Los Alamos, New Mexico

QUESTION

FACTS

Los Alamos County adopted an ordinance on May 15, 1967, which becomes effective on June 15, 1967.

The First Session of the Twenty-Eighth Legislature enacted Chapter 216 (H.B. 290), which provides for referendum on H Class County Ordinances. This Act, lacking an emergency clause, would become effective on June 16, 1967.

QUESTION

May a referendum be held on this Los Alamos County Ordinance under the authority of Chapter 216?

CONCLUSION

No.

OPINION

{*111} ANALYSIS

Under the terms of Chapter 216 "if within thirty days following the adoption of an ordinance or resolution, a petition, . . ." asking for a referendum on a county ordinance, is presented to the County Commissioners, an election on the ordinance must be held. In applying this language to the present case, we can see that the thirty-day period following the adoption of the Los Alamos County Ordinance will have run on June 14, 1967.

Since House Bill 290 does not become effective until June 16, 1967, the law cannot apply to this Los Alamos County Ordinance. Because the law cannot apply in this case, we do not decide whether it would apply to ordinances adopted prior to its date.

By: Paul J. Lacy

Assistant Attorney General