

Opinion No. 12-877

April 17, 1912

BY: H. S. CLANCY, Assistant Attorney General

TO: F. L. Bixby, Esq., Care Agricultural College, Mesilla Park, N. M.

PASSES ON RAILROADS.

State officers are prohibited from accepting or using any free pass.

OPINION

{*22} Replying to your letter of the 15th inst. I have to say that there has never been any anti-pass legislation in New Mexico. As to whether there will be any such legislation during the present session I am unable to say.

Under the provisions of the Constitution of this State to be found in Article 4, Section 37, Article 8, Section 5, and Article 20, Section 14, you will observe that it shall not be lawful for a member of the Legislature, the State Board of Equalization (this consists of the Governor, Traveling Auditor, State Auditor, Secretary of State and Attorney General), member of the Corporation Commission, Judge of the Supreme or District Court, District Attorney, County Commissioner or County Assessor to accept, hold or use any free pass. There seems to be no other limitation, and it would appear that railway companies, if they so desire, can issue free transportation to any person not included in the above enumeration.