

Opinion No. 13-1004

April 5, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Antonio Lucero, Secretary of State, Santa Fe, N. M.

TRANSLATION AND PRINTING OF LAWS.

Preparation of copy for printer, proof reading and indexing should be considered as included under the general term of printing.

OPINION

{*168} Your letter of March 31 was received before my return from Lincoln county where I have been attending the district court in the discharge of official duties, and since my return to this office on Thursday morning I have not been able until now to give any attention to that letter.

You say that in the appropriation bill passed at the recent session of the state legislature, the appropriation for the translation and printing of the laws of that session is not made immediately available, and this is correct so far as the omission of any words distinctly declaring that appropriation to be immediately available; but I can not adopt the view, taking the whole act together, that this appropriation is not immediately effective.

This item appears in Section 6, and it is true that that section contains the appropriations for the regular expenses of your office for the second fiscal year, but it must have been the object and intention of the legislature that the public should have knowledge of the laws and journals at the earliest practicable moment, and this is manifest by the proviso as to the furnishing of the laws and journals free of charge to various public officers, newspapers and members of the bar. It would be absurd to impute to the legislature the folly of providing for the printing and distribution of the laws and journals at some time after the thirtieth of next November, and such imputation would be in violation of a well-known rule of construction of statutes. It is not improper in this connection to consider also the uniform course of legislation on this subject in the past by which efforts have been made to secure the publication of the laws and journals as soon as possible after the adjournment of the legislature, and it is proper to assume that at this time the legislature did not intend to depart from this procedure.

You also say in your letter that the auditor is inclined to the opinion that this appropriation cannot be used for any other purpose than those specifically mentioned in the language of the law, and that you contend that proof-reading, indexing and preparation of copy for the printer are part of the "printing", and that these expenses {*169} should be paid out of the appropriation for printing. The auditor's position is

undoubtedly correct, and the money should be expended only for the purposes for which it is appropriated; but agree with you that preparation of copy for the printer, proof-reading and indexing should be considered as included under the general term of printing. If this were not so, you would be quite helpless as to using the appropriation at all except for translating the laws and journals into Spanish. The legislature must have contemplated that this appropriation should cover the preparation of copy and indexing as it has made no other appropriation from which practically these expenses could be paid; but even if there were a sufficiently liberal other appropriation which could be used for these purposes, I would still be of opinion that an appropriation for printing must be held to cover everything necessarily connected with the printing, and would not be restricted to the mere mechanical work of the printer.

This is in harmony with a well recognized rule for the construction of statutes. In Sutherland on Statutory Construction, second edition, at Section 508, we find the following:

"Whenever a power is given by statute, everything necessary to make it effectual or requisite to attain the end is implied. It is a well established principle that statutes containing grants of power are to be construed so as to include the authority to do all things necessary to accomplish the object of the grant. The grant of an express power carries with it by necessary implication every other power necessary and proper to the execution of the power expressly granted."

Nothing more directly applicable than that which is contained in the above quotation can possibly be found. When authority is given for the printing of the laws and journals, the statute certainly must carry with that authority every power necessary to the printing; and preparation of copy, reading of proof and making an index are certainly necessary and proper to accomplish the printing.