

## Opinion No. 34-819

October 18, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Mr. Don R. Casados, Chairman, State Corporation Commission, Santa Fe, New Mexico.

{\*160} We have your letter of October 16, 1934 enclosing letter from Mr. John F. Simms, an attorney of Albuquerque, New Mexico, with reference to a pipe line maintained by the Witt Ice & Gas Company for the purpose of conveying carbon dioxide gas which is used in the manufacture of dry ice. The question arises whether {\*161} or not such a pipe line should be governed by the provisions of Chapter 125, Laws of 1927.

In Section 1 of said chapter reference is made to "petroleum, natural gas, and the products therefrom." In Section 2 reference is made to "crude oil or gas." In Section 5 the words "such oil or gas" are used. In Section 6 appear the words "said oil or gas." In Section 8 the words "crude oil or gas" again appear.

In construing statutes the following is a familiar rule of construction:

"In the construction of a statute, in order to determine the true intention of the legislature the particular clauses and phrases should not be studied as distinct and isolated expressions, but the whole and every part of the statute must be considered in fixing the meaning of any of its parts."

Black on Interpretation of Laws (2d Ed.) P. 317, Article 99; State ex rel Bank vs. Romero 24 N.M. 649.

Application of the above rule leads us to believe that the kind of gas referred to is that mentioned in Section 1 of the Act, namely "natural gas." Obviously, it seems to us, the word "gas" was not intended to cover all kinds of gas. Air is a gaseous substance and it certainly would not be contended that pipe lines carrying compressed air would fall within this act. The only kind of gas specified in the act is "natural gas" which is ordinarily used for heating and lighting purposes.

Another rule of construction, the application of which leads us to the same conclusion is the following:

"When the words are not explicit the intention is to be collected from the context, from the occasion and necessity of the law, from the mischief felt, and the objects and remedy in view; and the intention is to be taken or presumed, according to what is consonant to reason and good discretion."

Kent's Commentaries, Section 462; State ex rel Lorengine vs. County Commissioners, 20 N.M. 67.

In view of the above it is our opinion that Chapter 125, Laws of 1927, does not apply to pipe lines which convey carbon dioxide gas used for the purpose of manufacturing dry ice.

By: QUINCY D. ADAMS,

Asst. Attorney General