

Opinion No. 43-4212

January 9, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. B. G. Dwyre, State Highway Engineer, Santa Fe, New Mexico

We have your letter of January 6, 1943, wherein you request an opinion on whether or not the State Highway Engineer is, by law, made a member of the Board of Supervisors of the Division of Courtesy and Information of the State of New Mexico.

Section 24, Chapter 147, Laws of 1941 attempted to amend Chapter 73, Laws of 1939, as follows:

"* * * but said Chapter 73 is hereby amended so as to make the name of said Division of Field Administration, the 'Division of Courtesy and Information of the State of New Mexico,' and to make the name of the Board of Supervisors, thereby created, read the 'Board of Supervisors of the Division of Courtesy and Information of the State of New Mexico'."

Article 4, Section 18, Constitution of New Mexico provides:

"No law shall be revised or amended, or the provisions thereof extended by reference to its title only; but each section, thereof, as revised, amended or extended, shall be set out in full."

The above attempted amendment clearly does not comply with the Constitutional provision, and is, therefore, void, and of no force and effect. Therefore, under our Statutes, there is no such department or division that may properly be designated "Division of Courtesy and Information." What is so referred to, however, is as provided in Chapter 73, Laws of 1939, a separate and distinct division of the New Mexico State Police, known as the "Division of Field Administration."

Section 1, Chapter 73, Laws of 1939, provided that the Board of Supervisors of the New Mexico State Police shall consist of the Governor, the Commissioner of Revenue, **the State Highway Engineer**, and two other members appointed by the Governor for a term of two years.

A question arises whether this section was repealed by Section 24, Chapter 147, Laws of 1941, which provided:

"* * * of the provisions of Chapter 73 of the New Mexico Session Laws of 1939, applicable to the New Mexico State Police, as distinguished from the Division of Field Administration of the New Mexico State Police, are hereby repealed, but said Chapter

73 of the Session Laws of 1939 shall remain in full force and effect insofar as it applies to the Division of Field Administration, New Mexico State Police, * * *

Section 1 definitely pertains to the Division of Field Administration of the New Mexico State Police, insofar as Chapter 73 specifically provides that the Division of Field Administration shall be under the supervision of, and administered by, the Board of Supervisors of the New Mexico State Police.

Therefore, it is my opinion that Section 24, Chapter 147, did not repeal the provisions of Section 1, Chapter 73, of the Laws of 1939, providing for the Board of Super visors of the New Mexico State Police.

It is further my opinion that the State Highway Engineer is a member of this board.

By HARRY L. BIGBEE,

Asst. Atty. General