

Opinion No. 43-4278

April 28, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Ralph Apodaca, Superintendent of Insurance, State Corporation Commission, Santa Fe, New Mexico

In your letter dated April 27, 1943, you refer to Section 60-608 of the 1941 Compilation, in which, by reference, this state has adopted the form of fire insurance policy recognized as standard by the State of New York. You further state that on May 19, 1942, Chapter 900 of the laws of 1942 of the State of New York became a law and in substance amended the insurance law of that state relative to the standard policy provisions in fire insurance contracts. Your question is whether the New Mexico law automatically adopts any changes in the form of standard fire insurance policies which might take place in the State of New York subsequent to the adoption of the original act.

It is a general rule that when a statute adopts a part or all of another statute by a specific reference thereto the adoption takes the statute as it exists at that time. However, when the adopting statute does not refer to any particular statute or part of statute, but merely refers to the law generally governing a particular subject the rule seems to be different. In 25 R.C.L. Sec. 160, page 908, we find this language:

"* * * But when the adopting statute makes no reference to any particular statute or part of statute by its title or otherwise, but refers to the law generally which governs a particular subject, the reference in such a case includes not only the law in force at the date of the adopting act but also all subsequent laws on the particular subject referred to, so far at least as they are consistent with the purposes of the adopting act."

The cases cited as authority for this text are *State v. Leich*, 166 Ind. 680, 78 N.E. 189, 9 Annotated Cases, 302 and *Hay v. Baraboo*, 127 Wisc. 1, 105 N.W. 654, 115 American State Reports 977. 3 L.R.A. (N.S.) 84.

Since Section 60-608 does not refer to any specific New York statute but only refers to the law generally pertaining to the form of standard fire insurance policies, I am of the opinion that under the above authority the New Mexico law automatically adopts any changes made by the State of New York upon this subject.

By C. C. McCULLOH,

First Asst. Atty. General