

Opinion No. 56-6457

June 5, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Hilton A. Dickson, Jr., Chief, Division of Liquor Control, Bureau of Revenue, Santa Fe, New Mexico

We have your letter of May 25, in which you request an Opinion of this office as to whether you are authorized to appoint personnel from the Federal Service who are under the Commission of Indian Affairs as Special Deputy Liquor Inspectors to serve without pay.

The authority to appoint inspectors is found in Sec. 46-2-2, (b) which reads as follows:

"The commissioner of revenue is further authorized to employ such deputies, agents, professional help, auditors and employees in addition to the chief of division, as may be necessary for the performance of the duties by this act imposed upon the bureau and division, and to fix their compensation within the limits of the appropriation available and subject to such classification of salary as may now or hereafter be fixed by law, and to pay such office, printing, stationery, traveling and other expenses as may be necessary in performance of the duties imposed upon said bureau and division; provided that no person shall be employed in said bureau or division except upon approval by the governor and at a compensation likewise approved by him. No employees of the division, including the chief of division, directly or indirectly, shall have any financial interest in any establishment which engages in the manufacture or sale of alcoholic liquors."

The Commissioner of revenue is authorized to appoint all necessary professional help subject to appropriation limitation, salary classification, and approval of the Governor. The salary classification and appropriation limitation is not involved in as much as no salary is to be paid. There is no limitation or requirement as to who must be appointed to this position. We are of the Opinion that the appointments can be made subject only to the approval of the Governor.

Trusting we have answered your question we remain,

By: Paul L. Billhymer

Assistant Attorney General