

**Opinion No. 43-4264**

April 5, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Robert J. Doughtie, State Labor Commissioner, Santa Fe, New Mexico

I have your letter of March 17, 1943, in which you request an opinion of this office concerning the employment of children under fourteen years of age.

Your request is very general, and apparently does not have a specific case in mind, as it neither refers to boys nor girls, but both generally, and does not describe particular duties. However, in answer to your request, I will set out certain pertinent statutes which I hope, will be of some benefit to you, and will answer the question that you have in mind.

Section 57-501 of the New Mexico 1941 Compilation provides:

"No child under fourteen (14) years of age shall be employed or permitted to labor at any gainful occupation whatsoever during the hours during which the public schools in the district in which the child resides are in session. No child under the age of fourteen (14) years shall be employed at any gainful occupation when the school of the district in which such child resides is not in session unless such child shall have a permit certificate issued in the manner and by the authority herein directed."

As to the issuance of permit certificates, see Section 57-508 of the New Mexico 1941 Compilation. I also suggest that you familiarize yourself, in connection with this problem, with Sections 57-505, 57-506 and 57-507. You will also note an exception in the act set out in Section 57-504.

As to your second question concerning the possibility of relaxation of the Child Labor Law, I can only state that under our existing law, no official of this state has the right or power to alter or amend a section of our statutes. This can only be done by the Legislature. Therefore, so long as the Legislature does not amend the above mentioned statutes, the opinion of this office and of the courts will, of necessity, have to remain unchanged insofar as the legal question is concerned, regardless of the war emergency that exists.

By HARRY L. BIGBEE,

Asst. Atty. General