

Opinion No. 44-4526

June 1, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. J. Wilbur Jones, Engineer, New Mexico Electrical Board, P. O. Box 386, Albuquerque, New Mexico

We are in receipt of your letter of May 31, 1944 in which you ask our opinion as to whether or not the State Board has authority to employ a deputy state electrical inspector to make inspections in Carlsbad and vicinity.

Upon Opinion No. 3828 this office held that either the state Board or a municipality had the authority to employ an inspector independently of the other, or that the State Board could rely exclusively on inspections made by the municipal inspector. This opinion appears to me to be sound and I, therefore, confirm the same. In addition, your attention is called to Section 51-2206 which provides in part as follows:

"The electrical inspector of any municipality who has qualifications satisfactory to the board may be appointed as a part-time deputy state electrical inspector with the consent and approval of the governing body of such municipality. Any municipal inspector so appointed shall inspect electrical wiring within the limits or area specified by the board. In the performance of such duties they shall work under the direction and report to the electrical engineer of the board, and the board is authorized to compensate such inspectors on a percentage of the fees for permits issued for installations made outside of such municipalities."

In view of the foregoing, it is my opinion that the State Board may employ an inspector to take over the duties of inspecting the electrical installations in the city of Carlsbad and vicinity. As a matter of procedure to eliminate any question that might be raised, it would be best to have the city of Carlsbad appoint the man agreed upon as its inspector. The State Board could then appoint this inspector as its part-time deputy with the consent of the city council, and thereby come squarely within the provisions of the above quoted section. You will find enclosed a copy of this opinion for your convenience.

By ROBERT W. WARD,

Asst. Atty. General