

Opinion No. 46-4938

August 9, 1946

BY: C. C. McCULLOH, Attorney General

TO: Alda E. Joiner State Labor Commissioner State Labor & Industrial Commission
Santa Fe, New Mexico

{*262} In your letter of August 7, 1946, you request the opinion of this office as to who is responsible for issuing labor permit certificates to {*263} children under 16 years of age during the summer months when a school might not be in session.

Sections 57-501 to 57-515 of the 1941 Compilation provide for the issuance of labor permit certificates. Section 57-508 provides in part that:

"Permit certificates shall be issued **only** by the city school superintendent or by the principals of schools in towns of two thousand (2000) inhabitants or over, and by the county school superintendent in all other cases. No permit certificate shall be issued to any child until satisfactory proof has been furnished that the work in which the child is to engage is not dangerous to the child nor injurious to its health or morals; and any such application for such certificate must show that the child is in good physical health and that the work to be performed is not such as would result in injury to the health, morals or mental development of such child, and satisfactory proof of the age of the child at the date of application, shall be furnished: Provided, however, that in case of children over the age of fourteen (14) years and under the age of sixteen (16) years, any application for the employment of children at any gainful occupation during the session hours of the public school of the district in which the child resides, shall set forth in addition to the foregoing, the necessity, to the family or to the dependents of said child, or for his own support, of the income to be derived from such employment or labor."

Since Section 57-508, cited above, is exclusive in its authorization, and since no other provision is made in the statutes authorizing any other official to issue labor permit certificates for children under 16 years of age, I am of the opinion that city school superintendents in towns of 2,000 inhabitants or over, and the county school superintendent in all other cases, are the officials responsible for issuing labor permit certificates to children under 16 years of age, and that this responsibility extends throughout twelve months of the year.

By WM. R. FEDERICI,

Asst. Atty. General