

Opinion No. 51-5459

November 21, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Arthur P. Stanton Administrative Aide New Mexico Institute of Mining & Technology
Socorro, New Mexico

{*168} This is in reply to your letters of September 27th and November 14th concerning the proper salaries of the State Mine Inspectors.

As you no doubt are aware, the Legislature in the 1951 Appropriation Act, Chapter 227, Laws of 1951, set forth for each of the ensuing fiscal years the sum of \$ 5400.00 for the salary of the State Mine Inspector, \$ 14,000.00 for the salaries of assistants, and \$ 8200.00 for expenses.

While the provisions of Section 67-401 (a) and 67-402 of the New Mexico Statutes Annotated set out the salaries of the State Inspector and Deputy Inspector, the passage of the 1951 Appropriation Act amounts to the effective repeal of those provisions insofar as the salaries of the State Inspector and his assistants are concerned. The interpretation of legislation requires recognition of the later enactments of the Legislature as controlling. The salary to be paid the State Mine Inspector is established by the Appropriation Act at \$ 5400.00 per year. The salaries of the assistants to the State Inspector must come within the limits of the \$ 14,000 provided by the 1951 Appropriation Act. It is my opinion that the rate of pay for his assistants may be established by the Director of the New Mexico Bureau of Mines and Mineral Resources, as he is the official charged with the responsibility of supervising the disbursement of the appropriations and funds of the State Inspector of Mines.

{*169} I trust that this fully answers your inquiry.