

## **Opinion No. 71-15**

February 8, 1971

**BY:** OPINION OF DAVID L. NORVELL, Attorney General

**TO:** Office of the Attorney General of New Mexico

### **QUESTIONS**

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1. May the Lieutenant Governor constitutionally execute delegated duties assigned to him by the Governor?
2. May the Lieutenant Governor receive remuneration from the Executive Department for these additional duties?

#### **ANSWER**

1. Yes, see analysis.
2. Yes, see analysis.

### **OPINION**

#### **{\*25} ANALYSIS**

The constitutional duties imposed upon the Lieutenant Governor by virtue of Article V, Sec. 7, and Article V, Sec. 8, New Mexico Constitution, are not exclusive. The Governor, by virtue of the power vested in him in Article V, Sec. 4, must faithfully execute the laws of the State of New Mexico and this constitutional delegation of power in the Governor authorizes him to delegate the performance of these duties to his Lieutenant Governor.

Compensation for executive officers, of which the Lieutenant Governor is one, is provided by Article V, Sec. 12 of the New Mexico Constitution, which provides that the Lieutenant Governor shall receive \$ 10.00 per diem while acting as presiding officer of the senate, and mileage at the same rate as a state senator. That constitutional provision further provides, however, that the compensation of the Lieutenant Governor as well as the other executive officers may be increased or decreased by law after the expiration of ten years from the date of admission of New Mexico as a State. Therefore, it is my judgment that the legislature of the State of New Mexico may provide a salary for the Lieutenant Governor of the State of New Mexico which would, in effect, be more than \$ 10.00 per diem while acting as presiding officer of the senate.

By: Senator Tibo J. Chavez New Mexico State Senate Executive Legislative Building  
Building Santa Fe, New Mexico