

Opinion No. 15-1454

March 3, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Hon. Wm. C. McDonald, Governor of New Mexico, Santa Fe, N. M.

Relative to terms of regents of state institutions.

OPINION

{*43} I am informed by your Secretary that you desire my opinion relative to terms of regents of state institutions, and especially with regard to the appointment of Mr. P. F. McCanna, who was appointed to succeed Mr. Hudspeth as a member of the board of the Agricultural College, Hudspeth having been appointed for four years in 1912, so that his term would expire in 1916.

Under Section 13 of Article XII of the Constitution, each board of regents is to be appointed by the Governor by and with the advice and consent of the senate for a term of four years, and I assume that Mr. Hudspeth's appointment was in accordance with this requirement, and that he was confirmed by the senate. Section 5 of Article XX of the Constitution provides that if a vacancy occur while the senate is not in session, in any office the incumbent of which was appointed by the Governor by and with the advice and consent of the senate, the Governor shall appoint some qualified person to fill the same until the next session of the senate, and shall then appoint by and with the advice and consent of the senate some qualified person to fill said office for the period of the unexpired term. I assume that after the last session of the senate, McCanna must have been appointed to fill the vacancy until the present session of the senate, and under the section last referred to, you should now appoint someone to fill the office for the period of Hudspeth's unexpired term.