

Opinion No. 31-11

January 14, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. Arsenio Velarde, State Auditor, Santa Fe, New Mexico.

{*23} Regarding the question raised in your letter of the 13th inst., as to whether or not the Motor Vehicle Commissioner is an Assistant to the Comptroller, or an employee of the {*24} Comptroller, and whether or not his salary is fixed by a statute, I beg to advise that Chapter 134-521 New Mexico Statutes 1929 Compilation, provides that the powers and duties conferred and imposed upon the Secretary of State by provisions of Chapter 150 of the Session Laws of 1919, are conferred and imposed upon the Comptroller. An examination of said Act, as shown by Chapter 11-104 of New Mexico Statutes 1929 Codification shows same providing for the Motor Vehicle Commissioner in that he shall receive such salary for his services as may be fixed by the State Comptroller with the consent of the Governor.

Thus, it is apparent, in my opinion, that the Motor Vehicle Commissioner does not come with the provisions of Chapter 134-501, which fixes the salaries of the Comptroller and his assistants. It evidentially being the intention of the Legislature to have created the Motor Vehicle department as a separate and distinct department under the control of the Comptroller. His salary therefore, shall be paid upon the basis fixed by the Comptroller, as approved by the Governor.