

Opinion No. 32-409

March 11, 1932

BY: E. K. Neumann, Attorney General

TO: State Corporation Commission, Santa Fe, New Mexico.

{*147} Your letter of March 8, 1932, asks if it is possible for the State Highway Commission, the Comptroller's Department and the State Corporation Commission to co-ordinate and combine their field forces for the enforcement of state laws relating to traffic upon state highways, collection of gasoline taxes and motor vehicle registration fees and bus and truck operations. You also ask for our views upon the matter of procedure to bring such co-ordination about.

{*148} The State Corporation Commission is, by Article 10 of Chapter 11 of the 1929 Code, charged with the enforcement of said Article, which relates to Motor Carriers as defined therein, and with the enforcement of Chapter 52 of the Laws of 1931, commonly known as the Motor Carrier Transportation Agent Act.

The State Comptroller is charged with the enforcement of the Motor Vehicle License Act and enforcement of the Gasoline Excise Tax Act.

The State Highway Commission is authorized by Section 11-838 of the 1929 Code to enforce the law regarding the weight and load of vehicles, but in addition thereto I can find no laws giving such commission enforcement powers as to any other matter pertaining to the operation of vehicles upon the highways of this state.

The departments mentioned may, in my opinion, combine their field forces to enforce the laws enforceable by each act. That is, the field force of the Comptroller's office be given as further duties the matters of enforcing those laws within the jurisdiction of the other two departments, and the field forces of the other two departments can be given as additional duties the enforcement of the laws within the jurisdiction of each of the other departments. While these duties can be conferred by the heads of the various departments, before action can be taken by the respective field forces as to matters wholly within the jurisdiction of the other departments, each force must be deputized by each other department in the same manner as such department deputizes or empowers its own force to act.

It is impossible for salaries and expenses of these forces to be spread over the three departments, each department must finance its own force within its salary and expense allowance for such purposes. With the power given the force of each department by the other departments, goes only additional duties, no additional salary or remuneration of any kind, for the law does not permit the latter. The co-ordination of these three departments is for the purpose of having a larger unified force to enforce **all the laws** pertaining to all, at no increased expense to any department.

As a matter in the interest of harmony, it is suggested that the force of each department be under the exclusive direction of that department, taking orders only from the officers of the department creating such force. Any other system would lead to a hopeless conflict of authority and confusion, tending to lower the efficiency of the various forces.