

Opinion No. 38-2036

August 26, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. J. O. Gallegos State Comptroller Santa Fe, New Mexico. Attention: Mr. C. R. Sebastian

{*266} This is to acknowledge receipt of your letter of August 24 in which you request an opinion as to whether or not the Board of Directors of Carrie Tingley Crippled Children's Hospital may change their compensation from a per diem to a salary basis.

In our opinion, the proposed plan of the Board of Directors of Carrie Tingley Crippled Children's Hospital would be invalid. Public officers are not entitled to a salary unless the same is authorized by statute. I find no such authorization in Chapter 13, Laws of 1937.

Trusting this answers your question, I am,

By: RICHARD E. MANSON,

Asst. Atty. Gen.