

**Opinion No. 43-4374**

August 26, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Honorable J. D. Hannah, State Auditor, Santa Fe, New Mexico

In your letter dated August 25, 1943 you inquire whether it is legal to pay the Members of the State Penitentiary Commission compensation for their services as such Board Members. You refer to Section 130-102 of the New Mexico 1929 Compilation, which appears as Section 45-106 of the New Mexico 1941 Compilation. This section pertains to meetings of the Commission and does not provide for any compensation for such meetings.

However, the General Appropriation Act, Chapter 127, Laws of 1943 under the head New Mexico State Penitentiary in item 4, appropriates for salaries and expenses of Penitentiary Board \$ 1,500.00.

It is interesting to note that an appropriation for the salaries and expenses of the Penitentiary Board has been made by every Legislature since 1913. Under Chapter 127 after the budget is approved by The State Board of Finance for salaries and expenses of the Penitentiary Board the Board may pay its members the salaries and expenses as provided in said budget, not to exceed the annual appropriation.

By C. C. McCULLOH,

First Asst. Atty. General