

January 2, 1941

Mr. W. Howard Millet,  
State Dairy Commissioner,  
Phoenix, Arizona.

Dear Sir:

We have your letter of January 2nd in which you state:

"If Sidney P. Osborn, after he takes the oath of Governor, fails to appoint a Dairy Commissioner, is it possible for me to remain and legally draw salary and travel until my successor qualifies?"

Section 13 of Article XXII of the Arizona Constitution provides:

"The term of office of every officer to be elected or appointed under this Constitution or the laws of Arizona shall extend until his successor shall be elected and shall qualify."

It is our opinion that under the section quoted you may legally draw your salary and necessary travel expense until your successor is appointed and qualifies.

Yours very truly,

JOE CONWAY,  
Attorney General.

EARL ANDERSON,  
Special Assistant  
Attorney General.

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