

June 8, 1950

File

Wilson
Mrs. Ana Frohmiller
State Auditor
Capitol Building
Phoenix, Arizona

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

Re: Appointment of State Egg Inspector

Dear Mrs. Frohmiller:

We have your request for an opinion as to whether the term of the State Egg Inspector commenced on March 1 or March 15, 1950, since the Governor appointed said officer for a term beginning March 15, and the Senate confirmed him for a term beginning March 1st. In both cases, the expiration date of the office was the first Monday in January, 1951.

The office of State Egg Inspector was created by statute, and provides that:

"The State Egg Inspector shall be appointed by the Governor, with the consent of the Senate, for a term coterminous with that of the Governor." (Section 68-908, Code Supplement, Section 8, Chapter 24, Laws of 1941)

The general rule of law is that where the Legislature has the authority to create an office, it may fix the term. In this case, the only mention of the term is that it shall be coterminous with that of the Governor.

Where a statute creates an office and prescribes the length of the term, with no date for the beginning thereof, and designates the appointing power, the appointing power may fix the commencement of the term. Under the statute in question, the Governor has fixed the term as commencing March 15, 1950; the only office of the Senate is to consent to the appointment, and not to fix the term.

Hence, in our opinion, the term of the State Egg Inspector commenced on March 15, 1950, and, pursuant to the statute, ends on the first Monday of January, 1951.

Very truly yours,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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