

September 21, 1948

**LAW LIBRARY
ARIZONA ATTORNEY GENERAL**

Hon. Dan E. Garvey
Acting Governor
State of Arizona
Phoenix, Arizona

Dear Governor Garvey:

At your request we have examined the statutes relating to the Secretary of the State Highway Commission.

It appears that the 1945 amendment of Section 59-106, A.C.A., 1939 provides in part:

"The commission shall appoint a secretary by and with the consent and advice of the governor for a period co-terminous with the governor and who shall be removed only for cause during the period of his appointment, subject to review by the governor. His salary shall be seven thousand two hundred dollars (\$7,200) per year."

This section was subsequently, in 1948, amended again to read:

"59-106. Secretary and state highway engineer. The commission, at its meeting held January 31 of each odd numbered year, shall appoint a secretary and a state highway engineer, who shall hold office at the pleasure of the commission. * * * * *

It is our opinion that the latter amendment does not become effective until January 31 of the first odd numbered year following its enactment, that is, January 31, 1949, and no action taken by the Commission based upon this law prior to that date would be valid.

Hon. Dan E. Garvey
Acting Governor

Page Two
September 21, 1948

It is therefore our opinion that until January 31, 1949,
the 1945 law quoted above controls the appointment and dismissal
of the officer referred to.

Trusting this answers your inquiry, we are

Respectfully yours,

EVO De CONCINI
Attorney General

PERRY M. LING
Chief Assistant
Attorney General

PML:lh