

Opinion No. 57-17

February 7, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Santiago E. Campos,
Assistant Attorney General

TO: Mr. Frederic G. Comstock, State Budget Director, Santa Fe, New Mexico

QUESTIONS

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Does the Legislature have the power, by an emergency appropriation, to give retroactive pay increases to state employees?

CONCLUSION

No.

OPINION

ANALYSIS

For purposes of this opinion it is assumed that the services for which employees would be given the retroactive pay increase have already been rendered.

Article IV, Section 27 of the New Mexico Constitution provides that:

"No law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this Constitution."

The language and import of Article IV, Section 27, is clear, and as regards the question presented needs no elaboration.

In our opinion, it prohibits the giving of a retroactive pay increase under the circumstances cited by you and the assumption we have made above.