

Opinion No. 16-1782

April 17, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Rupert F. Asplund, Chief Clerk, Department of Education, Santa Fe, N. M.

Annual salaries of county officers begin on January first.

OPINION

{*354} I have before me your letter of the 12th instant relative to the salary of the school superintendent of McKinley County, which would have been sooner answered had I not thought it necessary to confer with you personally before doing so, and until today I have not been able to get the time to talk with you.

The question turns upon what is meant by "annual salaries" in Chapter 12 of the Laws of 1915. The statute says that the salaries fixed are "the annual salaries of the county officers in the several counties of the state for the terms for which such officers were elected." County officers elected in November take office at the beginning of January next thereafter, and the annual salary begins at that time. If there is any change in such annual salary, I believe it must take place on the first of January.

The question you submit arises in consequence of the provision in one of the provisos to Section 2 of the act referred to which is to the effect that in counties where there are less than eleven school districts the preceding year, the annual salary shall be \$ 750.00, while under the classification and the salary otherwise fixed for the superintendent of schools, the superintendent of McKinley County would be entitled to \$ 1500, it being the fact that at the time of the passage of the bill there were less than eleven districts in that county. Before the close of that school year, however, the number of organized districts considerably exceeded eleven, so that there can be no reasonable doubt that the superintendent is entitled to the salary fixed generally for counties of the class to which McKinley County belongs. I believe that that increase in the salary of the superintendent must begin on the first of January, 1916.

I return herewith the correspondence transmitted with your letter.