

Opinion No. [29-16]

February 27, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Hon. Perfecto Gallegos, Clerk of San Miguel County, Las Vegas, New Mexico.

COUNTY OFFICERS -- Clerk -- salary.

OPINION

You asked me for an opinion relative to the actual amount of salary which can be drawn by a county clerk of a first class county who, in addition to his said duties as county clerk, is also performing the duties of clerk of the district court.

In reply thereto will state that under the provisions of section 2 of chapter 69 of the Laws of 1927, a regular salary of \$ 3,000.00 is allowed to the county clerk, and, by a proviso appearing in the end of said section, at page 246 of the Session Laws of 1927, the following is provided for:

"And provided further, until relieved by law from the performance of the duties of clerks of district courts, the county clerks of the several counties in the state shall respectively receive additional compensation as follows:

In counties of the first class, Twelve Hundred Dollars. * * *"

It would, therefore, appear from the foregoing that unless the Legislature provides otherwise you would be entitled to draw a total salary of \$ 4,200.00.

Trusting that this gives you the information desired, I am