

**Opinion No. 25-3833**

June 8, 1925

**BY:** JOHN W. ARMSTRONG, Attorney General

**TO:** Requested by: Hon. J. E. Owen, Chief Tax Commissioner, May 11, 1925, Santa Fe, New Mexico.

County School Superintendents Are Entitled to Their Salary as Provided by the Act of 1923 Regardless of Former or Subsequent Acts.

**OPINION**

The essential part of your inquiry follows:

"Please advise the State Tax Commission whether a person elected to the office of county superintendent at the last general election and who is serving at the present time can receive any compensation as salary other than the salary provided under the laws of 1915, based upon the classification of the county as certified by the State Auditor in January of this year upon the valuation of 1924."

Regardless of the 1915 Salary Act or any attempted repeal of 1925, County Boards of Education shall fix the compensation of County School Superintendents at not less than \$ 1500, nor more than \$ 2500. per annum to conform to § 401, Chap. 148, Session Laws 1923. This construction will conform to the provisions of § 27, Art. 4, St. Const. which provides that no law shall be enacted affecting officers whereby their compensation may be increased or diminished during their terms of office.