

**Opinion No. 45-4690**

April 16, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** C. M. Compton, Jr. President, Board of Regents Eastern New Mexico College  
Portales, New Mexico

{\*46} We are in receipt of your letter of April 14, 1945 in which you state that the Eastern New Mexico College would like to re-employ Mr. A. {\*47} E. Hunt as business manager. You further state that Mr. Hunt was a member of the 17th Legislature. In view of Chapter 18 of the Laws of 1943, you ask our opinion as to whether or not he may be lawfully re-employed.

Sections 1 and 2 of this law provide in part:

"Section 1. From and after January 1, 1945, it shall be unlawful for any member of the Legislature, during the term for which he is elected to contract for or receive any compensation for services performed as an officer or employee of the State."

"Section 2. From and after January 1, 1945, it shall be unlawful for any officer of the State of New Mexico to pay to any member of the Legislature compensation for services rendered the State of New Mexico as an officer or employee thereof during the term for which such legislator was elected."

From the above quoted language, it is seen that it is unlawful for any member of the Legislature, **during the term for which he is elected** to receive any compensation for services performed as an officer or employee of the state. Inasmuch as the Eastern New Mexico College is a state institution, that is to say, an agency of the state, it is my opinion that any employee of the institution is an employee of the state within the meaning of this section.

It is further my opinion that you may not lawfully re-employ Mr. Hunt.

I have discussed this matter with Mr. Hunt in detail and he fully understands the situation.

By ROBERT W. WARD,

Asst. Atty. General