

Opinion No. 54-5903

February 17, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. John A. Garcia State Inspector of Mines 1024 Park Avenue, SW Albuquerque, New Mexico

{*343} Receipt is acknowledged of your letter dated January 28, 1954 in which you request an opinion from this office as to our interpretation of the clause in Section 6.3 of Chapter 162 of the New Mexico Session Laws of 1953, same being the Public Employees Retirement Act, and which reads, "except prior service". You state that you would like to legally compel the Retirement Board to accept contributions for the period indicated in your letter.

In Section 1.14 of definitions in Chapter 162, Laws of 1953, "prior service" is defined as service rendered prior to August 1, 1947 as an employee of any public employer.

In Section 6.3 the wording is very clear and provides that in no case shall such a member be allowed credit for service rendered prior to the date his said application for membership is filed with the Retirement Board, except prior service, which means service rendered as a public employee prior to or before August 1, 1947.

It is, therefore, the opinion of this office that "prior service" means service rendered prior to or before August 1, 1947, as an employee of any public employer.

{*344} Trusting this fully answers your inquiry, I remain

By: Hilario Rubio

Assist. Attorney General