

**Opinion No. 54-6066**

December 29, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Robert D. Castner State Auditor Santa Fe, New Mexico

{\*542} In your letter dated December 21, 1954, you refer to Section 4, Chapter 124, Laws of 1953, which is Section 5-5-27 of the 1953 Compilation, and inquire whether upon ceasing to be a judge under the Judges' Retirement Act, such person is entitled to receive all of the contributions made prior to the effective date of the 1953 Act in view of the fact that said section reduced the amount to 80% of the accumulative contribution.

If a judge serves after the effective date of the 1953 Act and participates in the Retirement Plan, he does so with the full knowledge that only 80% of his total accumulative contribution may be paid him or his beneficiary in case of his death. This is true regardless of the amount of contributions previously paid in to the fund under the previous Act.

By: C. C. McCulloh

Assist. Attorney General