

## Opinion No. 60-139

August 5, 1960

**BY:** OPINION of HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Delfin Sanchez State Representative Rio Arriba County Espanola, New Mexico

### QUESTION

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Can Representative Carl M. Turner serve on the Board of Regents of Northern New Mexico Normal if he has resigned from his position with the State Legislature?

#### CONCLUSION

No.

### OPINION

#### {\*518} ANALYSIS

Opinion of the Attorney General No. 59-93, dated August 10, 1959, held that Representative Carl M. Turner as State Representative from Socorro County could not legally serve as a member of the Board of Regents of Northern New Mexico Normal. You indicate in your request that Mr. Turner has resigned or is about to resign from his position with the State Legislature. As we view the question, this does not now entitle Mr. Turner to serve on the Board of Regents.

Article IV, § 28, of New Mexico Constitution reads, in part, as follows:

"No member of the legislature shall, **during the term for which he was elected**, be appointed to any civil office . . . ."

In our opinion, the words underlined in the above quotation mean that a person who was elected to the Legislature cannot serve in an appointive civil office during the entire term for which he was elected. The fact that he resigned does not affect this prohibition. To hold otherwise would defeat the plain intention of this constitutional prohibition. If a legislator could circumvent this provision by resigning after the Legislature has adjourned and accept a civil office, it would render this section meaningless.

We hold, therefore, that a member of the Legislature cannot hold an appointive civil office during the entire term for which he was elected. This means that Mr. Turner cannot legally be a member of the Board of Regents of Northern New Mexico Normal until January 1, 1961.

By: Boston E. Witt

Assistant Attorney General