

**Opinion No. 37-1585**

April 7, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. C. P. Wilson Box 295 State College, New Mexico

{\*70} This is to acknowledge receipt of your inquiry of April 2nd in which you inquire if various boards of regents of the New Mexico institutions of higher learning have authority to retire employees of such institutions after twenty-five years of service. Such power is given them under the provisions of Section 130-1315, New {\*71} Mexico Statutes Annotated, 1929 Compilation, which was referred to in your letter.

Your attention is called to the fact that this act was amended by Senate Bill 144, the same being Chapter 119 of the 1937 Session Laws. The new act imposes an additional requirement that the person being retired must have been employed by the state institution retiring him for at least ten years preceding the date of retirement. Under this new act two things are necessary, namely, a total of twenty-five years of service and ten years service with the institution retiring the employee. This act does not carry the emergency clause and until it goes into effect, Section 130-1315 is still in force.

You also wish to know if we have knowledge of any former employee receiving a pension under this act. Such information is not available to this office and we would suggest you contact the proper state institutions for this information.

Trusting this answers your questions, I am,

By: RICHARD E. MANSON,

Asst. Atty. Gen.