

Opinion No. 39-3360

December 22, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mrs. Grace J. Corrigan, Superintendent of Public Instruction, Santa Fe, New Mexico.

{*126} In your letter of December 21st you request an opinion from this office with regards to the construction of Section 1-a, Chapter 237 of the 1929 Session Laws of New Mexico, which reads as follows:

"When said teacher, supervisor, custodian, nurse, principal, superintendent or other professional employee is over the age of 60 years and has been employed in the public schools of this state for at least 15 years, of which the last ten years were served consecutively and immediately prior to the date of such retirement."

This act went into effect June 10, 1939.

I am of the opinion that a person to be eligible and to receive the benefits under this act would have to retire as a school employee after said act went into effect.

Section 1, Chapter 237, Laws of 1939, amended Section 1, Chapter 112 of the New Mexico Session Laws of 1937. A person who may have retired as a school employee prior to June 10, 1939, and while the 1937 act was in effect, may be eligible to receive said benefits under the 1937 Act.

Trusting that the foregoing sufficiently answers your question, I am,