

**Opinion No. 40-3616**

September 9, 1940

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. A. B. Fite, Director of Extension, N.M. College of Agriculture and Mechanic Arts, State College, New Mexico.

{\*149} I have given your letter of August 31st very careful consideration, and I am of the opinion that Chapter 119 of the Laws of 1937 (Section 130-1315, 1938 Supplement) is sufficiently broad to include extension workers and experiment station workers in the New Mexico College of Agriculture and Mechanic Arts in like manner as any other member of the teaching staff. The extension service was created with the prime object of carrying on additional information from the Agricultural College and Experiment Station out to the farm and ranch people throughout the state, and the work of the extension service is, as you say, entirely educational.

However, I should warn you, that the courts might and could place a different interpretation on this statute. They might hold that the statute is limited to teaching, and that extension workers and experiment station workers are not teachers within the contemplation of that law.

Consequently, since what you desire is assurance that those who are not yet entitled to retirement may remain with the institution with some degree of confidence that by doing so they will in time be entitled to such retirement, I would advise that at the next session of the legislature the act be so amended as to give such members of the staff the necessary assurance.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.