

Opinion No. 53-5760

June 2, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Floyd Santistevan Director State Teacher Retirement Board Santa Fe, New Mexico

{*160} This will acknowledge receipt of your letter of May 14, 1953, in which you ask our opinion as to whether or not Chapter 57, Laws of 1953 allows enforced retirement of persons who have completed 30 years of service and have not yet reached the age of 60 years.

For some time the Teachers Retirement Act has permitted the enforced retirement of persons who have reached the age of 60 years and have accumulated the required amount of service. The 1953 amendment provides for the retirement of persons with more than 30 years of service notwithstanding the other requirement of the act concerning a minimum age of 60 years and states that such persons may be "Retired under the provisions of this act * * *"

It is our opinion that this act contemplates the retirement of such persons in the same manner as persons eligible for retirement under other provisions of the act, and since such other persons can be required {*161} to retire, the persons covered by the 1953 amendment can likewise be retired without their consent.

By: W. R. Kegel

Assist. Attorney General