

Opinion No. [29-104]

January 14, 1929

TO: Office of the Attorney General of New Mexico

STATE INSTITUTION -- Pension upon retiring from faculty after twenty-five years service.

OPINION

In reply to your request of the 14th inst. regarding the question as to whether or not Miss Mary Eckles is entitled to receive a pension under the provisions of chapter 67 of the Laws of 1927 from the New Mexico Normal School, Silver City, New Mexico, the money for which Institution has been provided for by chapter 187 of the Laws of 1927, will say that Miss Eckles is certainly entitled to receive her pension, **provided** that she has been retired from the teaching staff of such Institution. As I understand the matter, the Board of Regents has actually certified to the fact that she is no longer working with them.

Nothing in the foregoing, however, will prevent Miss Eckles from continuing to teach school or otherwise work for her living. The idea of the law is to grant teachers who have been working for 25 years in each of the state educational institutions a pension at the time of his or her retirement FROM SUCH INSTITUTION.

If Miss Eckles was still continuing to work on the faculty of the New Mexico State Normal School at Silver City, I do not believe she would be entitled to the pension, but as long as she has actually retired I believe she is entitled to it.