

Opinion No. 46-4883

March 20, 1946

BY: C. C. McCULLOH, Attorney General

TO: Floyd Santistevan Director, Teacher Retirement Department of Education Santa Fe, New Mexico

{*210} We are in receipt of your letter of March 20, 1946 in which you ask our opinion as to whether a teacher at a state educational institution may be retired under Chapter 131 of the Laws of 1945. You further ask if it is possible for a teacher at an institution which has accepted Chapter 50 of the Laws of 1945 to be retired under Chapter 50, if he meets the qualifications prescribed by Chapter 131.

Chapter 131 was Section 3 of Chapter 210 of the Laws of 1941. This entire chapter being compiled as Sections 55-2804 to 55-2809, both inclusive, was repealed by Chapter 50. Thus, even though it be held that the attempt to amend Section 3 (which had already been repealed) was effective, still Chapter 131 could not be given effect as it is not a complete law, but is rather merely a provision with respect to the ages of certain persons who under other provisions of the original law (now repealed) were given certain benefits.

It is therefore my opinion that no person could be retired under Chapter 131.

As Chapter 50 is a complete act in and of itself, it is my opinion that the qualifications of a person receiving benefits under such act must be determined solely by such act.

By ROBERT W. WARD,

Asst. Atty. General