

**Opinion No. 53-5695**

March 10, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** H. R. Fatheree Chief Clerk Office of State Engineer Santa Fe, New Mexico

{\*87} In your letter dated March 5, 1953, you request an opinion concerning the employment of an engineer who has resided in the State of New Mexico for only one month.

Your attention is called to the last paragraph of Section 12, Chap. 227, Laws of 1951, being the General Appropriations Act, which uses this language:

{\*88} "The restrictions as to residence provided for in any law shall not apply to employees of state educational or other institutions, and state departments for positions for which professional training is required and for which qualified prospective employees are not available, all or part of whose salary is paid from appropriations made herein."

It is thus apparent that if qualified prospective employees are not available, in your opinion, in the State of New Mexico, the foregoing provision would be authority to employ a non-resident engineer.

By: C. C. McCulloh

Assist. Attorney General