

Opinion No. 60-214

December 5, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Fred A. Thompson Director Department of Game and Fish State Capitol Santa Fe, New Mexico

QUESTION

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If a person has worked in the Department of Game and Fish for several years, or has retired from the Department, does his experience meet the requirement of twenty-five hours school specified in § 53-1-5.3, N.M.S.A., 1953 Compilation, or must he attend formal classes, before being appointed as a Reserve Conservation Officer?

CONCLUSION

See analysis.

OPINION

{*634} ANALYSIS

Section 53-1-5.3, N.M.S.A., 1953 Compilation, reads as follows:

"QUALIFICATIONS OF RESERVE CONSERVATION OFFICERS. Reserve conservation officer commissions shall be issued only to the following:

(a) Persons who have successfully completed a school of at least twenty-five (25) hours, conducted by the department of game and fish, covering procedures and techniques of wildlife management, law enforcement, public relations, and such other subjects as may be deemed desirable by the department of game and fish."

The apparent intention of the Legislature in enacting the quoted statute was to assure that only qualified persons would be commissioned as reserve conservation officers. To that end, twenty-five hours of school is required prior to the issuance of a Reserve Conservation Officer commission. The statute does not require the "school" to be of the classroom type, and we think the "school" of experience can ensure qualified Reserve Conservation Officers as well as a classroom. If the persons in question have actual instruction as employees of the Department in the subject areas of procedures and techniques of wildlife management, law enforcement, public relations, and other subjects deemed desirable by the Department, it is our opinion that those persons have attended "school" in those subjects, an on-the-job training school conducted by the

Department. Note our opinion that the persons must have had actual instruction in the subjects required by the statute. Mere employment by the Department without instruction in each of those areas will not, in our opinion, satisfy the statutory requirements.

By: Norman S. Thayer

Assistant Attorney General