

## **Opinion No. 66-137**

December 15, 1966

**BY:** OPINION OF BOSTON E. WITT, Attorney General George Richard Schmitt,  
Assistant Attorney General

**TO:** Mr. David McNeill, Registrar, Contractors' License Board, P. O. Box 580, Santa Fe,  
New Mexico

### **QUESTION**

#### QUESTION

Did the 1965 Legislature repeal that portion of Section 67-16-5 (C), N.M.S.A., 1953  
Compilation, which reads:

"Provided, however, that the board may issue a license at any regular or special  
meeting, to specialty contractors, without regard to residence qualifications, whenever a  
showing is made that there are less than ten (10) contractors operating in the state  
licensed to do the type of specialty contracting involved in a particular application."

#### CONCLUSION

This portion of the statute was amended out by the 1965 enactment and therefore the  
Contractors' License Board has no legal authority to grant specialty contractors'  
licenses.

### **OPINION**

#### {\*180} ANALYSIS

In 1965 the New Mexico Legislature Chapter 290, Section 4, Session Laws 1965,  
amended the above cited section of the Contractors' License Law. The amendment  
included the revision and rewriting of Subsection (C) of Section 67-16-5, supra, which is  
presented for your examination and quoted in its entirety as follows:

"Section 67-16-5 C. No license {\*181} shall be issued to a corporation which has not  
complied with the laws of this state requiring qualifications to do business in New  
Mexico, nor to any corporation which has not been in existence in the state for at least  
ninety days preceding the making of an application for a license, and no license shall be  
issued to any person, corporation or business association that has not been resident in  
the state for ninety days, unless the person, corporation or business association has  
been located in the state for at least ninety days next preceding the filing of an  
application for license."

A reading of the above clearly discloses that the portion of the statute relating to specialty contractors, set forth in your question was left out of this 1965 amendment. Therefore this amendment operates to repeal all of the section not embraced in the amended form. 1 Southerland, Statutory Construction 442 (2d ed. 1904). Thus under the present law the Contractors' License Board has no authority to grant specialty contractors' licenses.