

Opinion No. 33-579

April 18, 1933

BY: E. K. NEUMANN, Attorney General

TO: Honorable Arthur Seligman, Governor of New Mexico, Santa Fe, New Mexico.

{*37} In response to your request for an interpretation of House Bill No. 81, as passed by the recent Legislature.

House Bill No. 81 provides that no certificate shall be issued by the State Board of Education to teach in {*38} the public schools of this state, unless the applicant shall have been a resident in good faith in this state for at least a year and shall have had at least six semester or nine term hours of work in an institution of higher learning in this state.

The law is direct, specific and, I believe, mandatory and cannot be departed from in ordinary cases.

I cannot conceive, however, that such law is so inflexible that its terms would close any school or deprive any school of a teacher of certain subjects, where it is impossible to find teachers with sufficient qualifications for such school or subject. No court, in my estimation, would permit any law to operate to that end in such exceptional circumstances.