

**Opinion No. 39-3023**

February 10, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Dr. John W. Myers, Medical Director, New Mexico State Hospital, Las Vegas, New Mexico.

{\*15} In your letter of February 8 you inquire whether the registered and practical nurses at the hospital are subject to the provisions of Chapter 145 of the Laws of 1933 which provides:

"That not more than eight hours shall constitute a days work in all cases of employment for all employees . . . of the State of New Mexico . . . or institution thereof . . . except in cases of extraordinary emergency, which may arise in a time of war or in cases where it may be necessary {\*16} to work more than eight hours per calendar day for the protection of property or human life:"

On October 11, 1933, this office by Assistant Attorney General Adams wrote an opinion to the hospital stating that the Act applies to that institution. It is also my opinion that it applies to registered and practical nurses.

The Colorado statute mentioned by you limits hours of employment in specific occupations and establishments and does not include hospitals or nurses; on the other hand, our statute is general as you will see from the above quotation and does not exclude hospital nor registered or practical nurses.

Under the circumstances, I doubt that you can carry out the arrangements as suggested in your letter.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.