

Opinion No. 45-4649

February 8, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. A. H. McLeod Attorney at Law First National Bank Bldg. Albuquerque, New Mexico

{*14} Replying to your letter of February 1, 1945, wherein you request an opinion for "Mr. Byers of the Board of Engineers of New Mexico on the conflict between Section 25 of Chapter {*15} 45 of the Laws of 1935, and Section 51-205 of the N.M. S. A. 1941 Code." Apparently there is a typographical error, and we presume you intend to refer to Section 51-2405. We find that Chapter 45 of the Laws of 1935 has been carried forward without amendment to "Article 24, Engineering and Land Survey, Sections 51-2401 to 51-2425 inclusive, Compiled Laws of New Mexico 1941."

Section 25 of Chapter 45 of the Laws of 1935, now being Section 51-2424, does not appear to be in conflict with Section 51-2405, but adds an additional qualification, to-wit: "Except he be a registered professional engineer or a land surveyor."

In Section 51-2404, we find that the Legislature included the following provision:

"* * * Each member of the board first appointed hereunder shall receive a certificate of registration under this act (Sections 51-2401 -- 51-2425) from said board. On the expiration of the term of any member, the Governor shall, in the manner hereinbefore provided, appoint for a term of four (4) years a registered professional engineer, or land surveyor, to take the place of the member whose term on said board is about to expire."

Section 51-2405, makes the qualifications therein complimentary to Section 51-2424.

By THOS. C. McCARTY,

Asst. Atty. General