

## Opinion No. 51-5370

June 6, 1951

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. E. L. Moulton c/o Chas. Iffeld Company Albuquerque, New Mexico

{\*49} Answering your letter of May 28 in which you refer to the previous opinion of this office stating that the Reorganization Committee, under § 10-105, may not hire a director from outside the state or a non-resident as such director, may I state the information which you received as to the residential exemption contained in Section 12 of the General Appropriations Act of 1951 is correct so far as the language of that exception is concerned. However, the residential exceptions run only in favor of positions in which professional training is required and for which qualified prospective employees are not available, **all or part of whose salary is paid from appropriations made herein.** (General Appropriations Act.)

{\*50} Since all of the salary of any director of the Reorganization Committee will be paid by the appropriation made by that special act and not from any appropriations made by the General Appropriations Act, it follows that the residential exemption does not apply to the director of the Reorganization Committee.

I do not want to appear to be arbitrary in this but in view of the fact that any exemption in favor of a non-resident created by the General Appropriations Act has no application to employment in which the salary will be paid by appropriations made by a special act, I must reiterate that it is my opinion that any director of the Reorganization Committee cannot be hired from outside the state nor can he be a non-resident. The provisions of Sec. 10-105, New Mexico Statutes Annotated, apply fully to any such director.