

Opinion No. 60-162

September 20, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Guy Mayes Manager, Contractors' License Board P. O. Box 1179 Santa Fe, New Mexico

QUESTION

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May an otherwise qualified alien be issued a New Mexico Contractors' License?

CONCLUSION

Yes.

OPINION

{*551} ANALYSIS

N.M.S.A., 1953 Compilation, Section 67-16-5 (P.S.) contains the qualifications required to obtain a contractor's license in New Mexico. An individual must file a verified application, including a complete statement of the nature of his contracting business, and show his name and address. The application must contain the certification of two reputable citizens of the county in which the applicant resides, that he is of good reputation. The applicant must be experienced and qualified for the work he proposes to do; he must never have been refused a license; and must be familiar with the rules and regulations of the Contractors' License Board. The section goes on to say that no individual shall be licensed who shall not have been a resident of New Mexico for ninety days, unless he shall have maintained an office in New Mexico for ninety days.

Nowhere in the section is there a citizenship requirement. Indeed, the whole emphasis is placed on residence. The Legislature might have required citizenship as a qualification, as it did under our statutes relating to the practice of podiatry. See N.M.S.A., 1953 Compilation, Section 67-27-2. Having established an elaborate set of qualifications to hold a contractor's license, and having emphasized the qualification of residence, and having excluded any reference to citizenship, we feel that the Legislature regarded citizenship as of no importance to the holding of a contractor's license.

We are of the opinion that an otherwise qualified alien may be issued a contractor's license in New Mexico.

By: Norman S. Thayer

Assistant Attorney General