

Opinion No. 31-142

April 30, 1931

BY: E. K. Neumann, Attorney General

TO: State Highway Commission, Santa Fe, New Mexico.

{*70} You have this date inquired as to the construction of Section 1 of Senate Substitute for House Bill No. 5, and especially that part of said section which requires any contractor, etc. doing public work to employ persons who have been residents of New Mexico for six months prior to the time of employment "to the extent of 85% of the total number of persons of each class of labor so employed whenever such equally skillful resident labor is available."

To us it seems as though this provision is very plain and could not be misconstrued, meaning, as we view it, that the employer is bound to employ at least 85% of New Mexico residents in each class of labor employed by him, if same is available as to number, efficiency or skill. It is apparent that such provision is intended to protect the employer, by insuring efficiency in order that he may comply fully with the terms of his contract, especially as to workmanship and speed sufficient to complete same within the time limits of the contract.

Evidently the legislature did not intend to hamper any employer by forcing upon him labor which has no recommendation other than residence. The word "skillful" includes not only the **ability** to do the labor, but, also the **willingness** to do same in an efficient and workmanlike manner.