

Opinion No. 46-4930

July 24, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mr. Hugh M. Milton II President of the College N. M. College of Agriculture & Mechanic Arts State College, New Mexico

{*254} We wish to acknowledge receipt of your letter of recent date with respect to just what the duties of the President of the New Mexico College of Agriculture and Mechanic Arts are, in accordance with Chapter 125 of the Session Laws of 1939.

Such duties were clearly set forth in an opinion rendered on February 27, 1940, by Mr. A. M. Fernandez, one of the Assistant Attorney Generals at that time, a copy of which I am herewith enclosing.

In response to your second question, as to whether or not the County Commissioners of various counties, comprising Grazing Districts Nos. 3, 4, and 5, can set aside a portion of the monies received under the Taylor Grazing Act, to defray the costs of a District Grazing Office, must, in my opinion, be answered in the affirmative.

Chapter 125, Section 2, of the Session Laws of 1939 appears as Section 7-306 of the N.M. 1941 Compilation, and provides in part as follows:

"All monies received by any county shall be placed in a special fund known and designated 'The Farm and Range Improvement Fund,' and shall be expended by the county as herein prescribed, **for the benefit of the county in the conservation of soil and water, the control of rodents and predatory animals, and the extermination of poisonous and noxious weeds, and for the maintenance and construction of secondary roads. In the administration and expenditure of said special fund, the county commissioners shall seek the advice of, and may cooperate with, State and Federal agencies * * * ."**

It is evident that a district or central office for the three grazing districts would materially aid in the administration of the objectives of the aforementioned statute, and therefore such monies could be legally be spent for this particular purpose.

By ROBERT V. WOLLARD,

Asst. Atty. General