

Opinion No. 47-4982

January 24, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mr. Leonard R. Appleton Administrative Officer State Soil Conservation
Commission State College, New Mexico

{*9} We wish to acknowledge receipt of your inquiry of the 22nd instant wherein our opinion was requested on the following question: "Can the State Soil Conservation Commission delegate to its administrative officer the authority to notify individuals of their election as supervisors prior to the approval of election results by the State Committee?"

Section 48-504 of the New Mexico 1941 Compilation, being Section 4, Chapter 219, Laws of 1937, provides in part that the State Soil Conservation Committee shall have authority to delegate to its chairmen, to one or more of its members, or to one or more agents or employees such powers and duties as it may deem proper. The Committee is also given authority to promulgate such rules and regulations as may be necessary for the execution of its functions under this Act.

{*10} Section 48-506 of the New Mexico 1941 Compilation, being Section 6, Chapter 219, Laws of 1937, pertaining to the election of supervisors for each district, provides that, "The State Soil Conservation Committee shall give due notice of an election to be held for the election of three (3) supervisors for the district, shall pay all the expenses of such elections, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election, and the determination of the eligibility of the voters therein, and shall publish the results thereof.

Thus it is apparent powers that do not require the discretion to any great extent of the State Soil Conservation Committee may be de gated by said Committee to the administrative offices of said Committee.

The provision in the aforementioned Act providing for the publication of election results by the State Committee imposes nothing more than a ministerial duty on said board and no exercise of discretion is contemplated.

It is therefore my opinion that the State Soil Conservation Committee can delegate to its administrative officer the right to publish the results of any such election and that he may thereafter notify the individuals elected as supervisors of their election, without waiting for the approval of election results by the State Committee.

As suggested in your letter, it would be advisable, if any irregularities or discrepancies were evident on the face of things, for the administrative officer to withhold the

publication of results and the notification of individuals of their election until such time as the matter could be reviewed by the State Committee and their conclusions announced.

By ROBERT V. WOLLARD,

Asst. Atty. General