

Opinion No. 59-86

July 29, 1959

BY: HILTON A. DICKSON, JR., ATTORNEY GENERAL

TO: Mr. F. L. Schneider Secretary-Chief Veterinarian Sheep Sanitary Board of New Mexico Room 334 /- Korber Building Albuquerque, New Mexico

{*144} This is in response to your request for a formal opinion on the following question:

"Does the Sheep Sanitary Board have authority to expend some \$ 10,000.00 of its funds in cooperating with the Fish and Wildlife Service of the Department of Interior for the purpose of controlling predatory animals?"

It is my opinion that your Board does not have authority to so expend your moneys.

The Sheep Sanitary Board was created under authority of the laws codified as Sections 47-8-1 through 47-8-40 of the New Mexico Statutes Annotated, 1953 Compilation. It is an elementary principle of law that your Board has only the functions delegated to it by the enabling legislation.

The powers of the Board are specifically set forth in Section 47-8-8. At no place in the powers extended to the Board can one find authority to engage in the control of predatory animals. Neither is there any specific authority authorizing you to enter into cooperative agreements with any federal agency.

In view of this lack of authorization within your enabling statutes, I am of the opinion that you haven't the authority to expend the money proposed by you for cooperative agreement in the control of predatory animals.

BY: Thomas O. Olson

Assistant Attorney General