

Opinion No. 15-1626

August 25, 1915

BY: H. S. CLANCY, Assistant Attorney General

TO: W. J. Linwood, Esq., Secretary, Cattle Sanitary Board, Albuquerque, New Mexico.

As to the issuance of certificate of examination to owner of stallions.

OPINION

{*200} I am in receipt of your letter of the 23rd instant in which you state that a great many of the owners of stallions have interpreted the provisions of Chapter 65 of the Laws of 1915, in so far as it relates to the collection of fees by your board, to mean that the fee of \$ 3.00, fixed by Section 10 of the act, covers not only the issuance of a certificate but the preliminary or first examination required by Section 2 of the act, and you ask for the opinion of this office upon that subject.

This office is of opinion that the position taken by the owners of stallions, and as above outlined, is the correct one. Section 11 of the act, among other things, requires that the payment of inspections shall be made out of funds accruing from registration, and Section 2 clearly provides that the first inspection is to be made by a qualified veterinarian, who has been appointed by your board, and is designated as an inspector, and there nowhere appears in the act any language which would authorize the collection of an inspection fee, thus making it appear that it was the legislative intent that the fee of \$ 3.00, which is to be paid for the issuance of a certificate, is all that can be collected from the owners of stallions.