

Opinion No. 17-2008

June 15, 1917

BY: HARRY L. PATTON, Attorney General

TO: Dr. A. D. Crile, Pres. N.M. College of Agricultural and Mechanic Arts, Las Cruces, New Mexico.

Appropriation for County Agricultural Agent Is Optional With Counties

OPINION

I am in receipt of your letter of the 9th instant in which you ask for an opinion on the construction of the recent act of the legislature pertaining to the placing of county agricultural agents. The question raised by you is as to whether or not, on presentation of properly signed petition by one hundred or more taxpayers, it is mandatory upon the County Commissioners to levy the tax. Chapter 44 of the Laws of the Regular Session of the Legislature of 1917, and Chapter 1, of the Laws of the Special Session, provide that for the purpose of further extending the co-operative work provided by a certain act of the State Legislature and a certain act of Congress,

"in any county of this state employing a county agent or agents under the terms of said act, the board of county commissioners of any such county shall be authorized, upon petition of at least one hundred bona fide taxpayers within such county, to provide and appropriate such funds as are necessary for maintenance of co-operative extension work in agricultural and home economics within such county."

In my opinion the language of the act is not mandatory and the term "shall be authorized" is to be read and interpreted in its common acceptation. After the county agent has been employed, as provided for in each of said acts, it is then optional with the County Commissioners as to whether or not the county shall provide and appropriate the funds for carrying on the work.