

Opinion No. 31-2

January 3, 1931

BY: Frank H. Patton, Asst. Att'y. General

TO: Mr. J. R. Poe, State Dairy Commissioner State College, New Mexico

{*20} We have your letter of December 5, but due to change of administration in this office it has been impossible to answer sooner.

As we understand the facts submitted to us, the farmers in your community deliver and sell their milk to the Midwest Dairies, which are located in Las Cruces and Hatch, the Midwest Dairies being an El Paso concern.

From a clear reading of the Statutes, it would seem that the individual sellers should not be required to pay any license fees to El Paso, and that any fees which are to be charged should be paid by the Midwest Dairies, who in this instance seem to be the shippers and not the individual dairymen. We believe this would at least be true in so far as the State of New Mexico is concerned.

Of course, you know under our statutes provisions are made for the collection of fees in said instances which apply to shippers from outside of this State. Of course, you will have to be governed by the laws of the State of Texas, but we are inclined to believe that if the same facts submitted to us in your letter are also submitted to the proper authorities of the State of Texas that the fees will be required from the Midwest Dairies and not from the individual dairymen.

Trusting the above is the information you desire, we are

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