

Opinion No. 45-4727

May 31, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. Howard K. Ball Administrative Officer State Soil Conservation Committee of New Mexico State College, New Mexico

{*77} I have your letter of May 26, 1945, wherein you request an opinion concerning the following two questions:

{*78} "1. Would the services of the attorney general, or his staff, be available, free of charge, to district supervisors in the collection of accounts receivable?

"2. Would the services of the district attorney, or his staff, be available, free of charge, to district supervisors in the collection of accounts receivable?"

In response to your first question, we call your attention to Section 48-508 of the 1941 Compilation, which provides that the supervisors of the various soil conservation districts may call upon the Attorney General of the state for such legal services as they may require, or may employ their own counsel and legal staff. In view of this provision, it is our opinion that the various soil conservation districts of the state have the privilege of calling upon this office for such legal services as they may require without being subject to any charge for such services.

In answer to your second question, we are unable to find any provision of our statutes which requires the District Attorneys to furnish legal services to soil conservation districts. No reference whatsoever is made to District Attorneys in the Soil Conservation Act, nor is there any general provision concerning the duties of District Attorneys, such as is set out in Section 17-111 of the 1941 Compilation, together with cross references to such section appearing in the footnotes which would require the District Attorneys to furnish legal services to your district.

Hoping that the foregoing sufficiently answers your inquiry, I am

By HARRY L. BIGBEE,

Asst. Atty. General