

Opinion No. 47-5085

October 7, 1947

BY: C. C. McCULLOH, Attorney General

TO: Leonard R. Appleton Administrative Officer State Soil Conservation Committee
State College, New Mexico

{*95} This will acknowledge receipt of your letter of October 4, 1947, in which you request the opinion of this office on the following questions:

"1. Is a person who is not a landowner eligible for appointment as a supervisor of a soil conservation district.

"2. Can a person who is not a landowner be nominated and elected a supervisor of a soil conservation district?"

Section 48-503 of the 1941 Compilation defines a supervisor as one of the members of the governing body of a district, elected or appointed in accordance with the provisions of the Soil Conservation Districts' Act.

Section 48-505 (f) provides that after creation of a district has been approved, the State Soil Conservation Committee shall appoint two supervisors to act with three others, to be nominated and elected by land owners of the District.

The only qualification set out in the Act with reference to appointive supervisors is that said supervisors shall be persons who are by training and experience qualified to perform the specialized duties which will be required of them in the performance of their duties. The Act does not provide that an appointive supervisor must be a land owner.

The Act makes no provision with reference to qualification of persons who may be nominated and elected supervisors of a Soil Conservation District. No requirement that an {*96} elective supervisor must be a land owner can be found in the Act.

In view of the above, the answers to your questions are as follows:

In answer to Question 1, a person who is not a land owner is eligible for **appointment** as a supervisor of a soil conservation district.

In answer to Question 2, a person who is not a land owner may be **nominated and elected** as a supervisor of a soil conservation district.

By WILLIAM R. FEDERICI,

Asst. Atty. General