

Opinion No. 48-5158

June 24, 1948

BY: C. C. McCULLOH, Attorney General

TO: Mr. Tom Snell, Secretary and Chief Inspector Sheep Sanitary Board Albuquerque, New Mexico

{*155} We wish to acknowledge receipt of your inquiry of June 23, 1948, wherein a ruling of this office was sought as to the fees legally to be charged and collected on sheep brought into the State of New Mexico.

Section 49-811 of the New Mexico 1941 Compilation was amended by the 1943 Legislature and said act specifies that an inspection fee of three cents per head shall be charged and paid to the inspector by the owner or person in charge of said sheep. Said act, as amended, also provides that there shall accompany the notice to bring in said sheep a health certificate issued by a Federal or authorized State inspector that said sheep are healthy and free from scab or other contagious or infectious disease.

An earlier act, 49-842 of the New Mexico 1941 Compilation, enacted in 1903, likewise set the fee at three cents per head, provided, however, that in cases of sheep which have not been inspected by an inspector or assistant inspector of the Bureau of Animal Industry, a fee of five cents per head is to be charged.

It is our conclusion that these earlier statutes have been superseded by Section 49-811, as amended, and that the fee to be charged in all cases where sheep are brought into this state is three cents per head.

Trusting the aforementioned satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General