

## Opinion No. 53-5748

May 1, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. L. C. Brown, Administrative Officer State Soil Conservation Committee State College, New Mexico

{\*149} In your letter dated April 22, 1953, you refer to the amendments to the Soil Conservation Act made by the last Legislature appearing in Senate Bill No. 106, which will be Chapter 158, Laws of 1953, and will become effective June 13, 1953. The amendments appearing in this chapter seem to conform to the Constitution and to the basic objectives of the Soil Conservation Law.

You refer to Section 2, Sub-Section (e), of the amendments under Chapter 158 and inquire as to the powers and duties of supervisors in an election held thereunder.

Sub-section (e) pertains to supervisors of existing districts at the time the amendment becomes effective and provides that elections for supervisors of existing districts shall be held on the first Tuesday in March, 1954, and every three years thereafter. The supervisors of the respective districts existing at that time are authorized to exercise all powers given to the State Committee in the case of elections in newly created districts. These powers are set out in sub-section (c) of Section 2 and include the power to prescribe regulations governing the conduct of such elections and the determination of eligibility of voters therein. The rules and regulations governing the elections and qualifications of voters adopted by the local committees in districts already existing would not necessarily have to be identical with the rules and regulations adopted by the State Committee in the case of newly created districts.

Your fourth question involves the provision contained in Sub-section (f) of Section 2, which is as follows:

"Present boards of supervisors shall hold office until their successors are elected and qualified as provided in this act."

Since the first election for existing districts after the act becomes effective will be on the first Tuesday in March, 1954, all supervisors holding office on the date the act becomes effective would hold over until the date of the election even though their terms might expire in the meantime. This would be true whether the State Committee has filled vacancies by appointment or whether the members were previously elected.

{\*150} Trusting this satisfactorily answers your questions.

By: C. C. McCulloh

Assist. Attorney General