

Opinion No. 31-118

April 8, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. Elliot S. Barker, State Game Warden, Santa Fe, New Mexico.

{*59} In your letter of even date you desire information as to whether the State Game Commission may legally dispose of that certain tract of land, heretofore acquired by and now owned by said commission, said disposition to be to the United States for the purpose of the establishment and maintenance of a warm water fish hatchery.

We have given this matter considerable study and have been unable to find any authority whereby the State Game Commission could legally make this conveyance.

The powers of the State Game Commission are expressly set forth in Section 57-107 New Mexico Statutes Annotated, 1929 Compilation. In certain instances there is justification for the proposition that in addition to enumerated and delegated express powers, there are certain implied powers, which arise from the nature of the matter at hand and in order to enable certain boards, officials or bureaus to perform and carry out certain purposes for which they were created. However, that is not true in this instance, and by no means can it be said that the State Game Commission has the implied powers or authority to make any conveyance of land, the title of which is now held by such commission.

By Frank H. Patton,

Asst. Att'y General