

**Opinion No. 51-5432**

September 26, 1951

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Ed Hartman State Comptroller Santa Fe, New Mexico

{\*137} Recently you referred to this office an inquiry from Los Alamos County as to what disposition should be made of monies collected by way of fines for violation of ordinances enacted by it and of monies collected by way of license fees.

Chap. 5, Laws of 1951, designated as sixth class counties any county covering an area of not more than 144 square miles. Los Alamos County falls within such classification. Chap. 8, Laws of 1951, gave sixth class counties the powers now or hereinafter granted to cities to enact ordinances not inconsistent with the organization of sixth class counties or with statutory limitations placed upon counties.

Inasmuch as sixth class counties in the exercise of such functions will be exercising the powers of municipalities, the provisions of § 14-4204, N.M.S.A., apply to disposition of funds, rather than the provisions of § 42-2101, N.M.S.A. The latter section applies to fines imposed by district courts and justices of the peace under the statutes of New Mexico. The former section governs the disposition of fines and monies collected for licenses or otherwise in the case of municipalities. It follows, therefore, that since these monies will accrue to Los Alamos County by virtue of the violation of ordinances {\*138} enacted by it or by virtue of license fees which it may impose, rather than by the violation of any statute or the exercise of any statutory power conferred upon counties, the funds should be disposed of according to the law governing the disposition of fines and license fees applicable to municipalities.

I trust that this fully answers your inquiry.