

Opinion No. 55-6245

August 2, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. W. B. Macey, Secretary-Director, New Mexico Oil Conservation Commission, Santa Fe, New Mexico

Your letter of July 20th requesting the opinion of this office as to whether or not under Section 65-3-6, N.M.S.A., 1953, the Oil and Gas Conservation Commission has power to charge a fee for the issuance of reports by its office.

Section 65-3-6, relates to notice, rules, regulations and orders of or given by the Commission. It provides for publication of notice and provides for the entry of rules, regulations and orders of the Commission in a book to be kept for that purpose in the office of the Commission. We find nothing in this section relating to reports by the Commission or the publication thereof. After reading all of Chapter 65, Article III of the 1953 Compilation, we are unable to find any statutory authority for either the issuing of reports or the charging of fees therefore. In all probability the issuance of such reports would be construed as within the general powers of the Commission; however, inasmuch as the charging of a fee and the disposition of the monies received from such fee are not provided by statute, it is our opinion that such power is not granted to the Commission.

By: Walter R. Kegel

Assistant Attorney General