

## **Opinion No. 57-236**

September 24, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Joel B. Burr, Jr., Assistant Attorney General

**TO:** Mr. Edward M. Hartman, State Finance Director, Department of Finance and Administration, P. O. Box 1359, Santa Fe, New Mexico

### **QUESTION**

#### **QUESTIONS**

The Village of Espanola, the limits of which rest in Rio Arriba County, has extended its limits to include a portion of the Village of Riverside, which rests in Santa Fe County:

(1) Is the Village of Espanola entitled to a portion of the 10% revenues from registration fees which are paid over to Santa Fe County as provided by Section 64-11-12, N.M.S.A., 1953 Compilation, 1957 Pocket Supplement?

(2) If so, what amount?

#### **CONCLUSIONS**

1. Yes.
2. See Opinion.

### **OPINION**

#### **ANALYSIS**

Section 64-11-12, N.M.S.A., 1953 Compilation, 1957 Pocket Supplement, provides for the distribution of fees collected under the provisions of the New Mexico Motor Vehicle Registration Act, being Chapter 138 of the Laws of 1953. The following is part of the disposition provided therein:

". . . Ten percent (10%) thereof shall be paid to the county treasurers of the several counties in the state and shall be paid to the respective county treasurers in the proportion that the total amount of registration fees paid for motor vehicles in each county bears to the total amounts of registration fees paid for motor vehicles in the entire state. The respective county treasurers, upon receipt of the foregoing amounts, shall forthwith pay said amounts to incorporated municipalities, whether incorporated under general or special laws within the county. Payments to qualified municipalities shall be in the proportion that the total assessed valuation of a qualified municipality

bears to the total assessed valuation of all the qualified municipalities within the county. Assessed valuation shall be determined by the assessed valuations of the fiscal year last completed. Amounts paid to municipalities under the provisions of this paragraph shall be used for the construction, maintenance and repair of streets within the municipality and for payment of paving assessments against federal, state, county and municipally-owned property. . . ."

Inasmuch as the Village of Espanola lies partially in Rio Arriba County and partially in Santa Fe County, the question to be resolved is whether the Village of Espanola is entitled to receive a portion of the 10% revenues from registration fees from both counties.

We answer the question in the affirmative, and in so holding this office interprets the quoted statute as restricting the payments to be made by each county, to the proportion that the total assessed valuation of that portion of the Village lying in each county bears to the total assessed valuation of all the qualified municipalities within each county.

Any other interpretation would result in a municipality whose boundaries extended into two counties receiving more than its proportionate share of the fees provided for in the Act. Such could not have been the intent of the Legislature.