

Opinion No. 57-313

December 2, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Howard M. Rosenthal,
Assistant Attorney General

TO: Mr. H. V. Wood, Board Manager, Contractors' License Board, P. O. Box 1179,
Santa Fe, New Mexico

QUESTION

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Can the Board of Directors of the Contractors' License Board increase license fees by a moderate amount without legislative approval?

CONCLUSION

No.

OPINION

ANALYSIS

Section 67-16-5, N.M.S.A., 1953 Compilation, is the legislative enactment covering, license fees to be charged contractors and reads, pertinently, as follows:

". . . Said application **shall be** accompanied by a fee as follows:

- (a) Resident contractors . . . **shall pay** a license fee of thirty (\$ 30.00) dollars.
- (b) Resident Contractors . . . **shall pay** a license fee of fifteen (\$ 15.00) dollars.
- (c) Resident contractors . . . **shall pay** a fee of one (\$ 1.00) dollar." (Underlining ours.)

While the section includes a general authority "to adopt and promulgate such rules and regulations as they (the Board) may deem necessary to carry out the provisions of this act", such provision is not an authority to contravene a mandatory legislative enactment -- hence, we are of the opinion legislative approval is needed to change license fees for contractors in any degree whatsoever.