

Opinion No. 60-62

April 1, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. E. P. Corcoran Chief Inspector Plumbing Administrative Board 307 Lead Ave., S.W. Albuquerque, New Mexico

QUESTION

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May a municipal inspector collect a permit and inspection fee for plumbing installed in a public school located within the municipal limits?

CONCLUSION

No.

OPINION

{*420} ANALYSIS

Section 67-22-13, N.M.S.A., 1953 Comp. (PS), reads in part as follows:

"Any incorporated municipality which has provided for inspection in accordance with the provisions of this act may establish a schedule of fees which shall be paid by the {*421} applicant for inspection of work done under a permit or for which a permit is required, **provided that such municipal inspection fees shall not be collected from the State of New Mexico, its agencies, boards, commissions, institutions or other political subdivisions.**" (Emphasis ours)

This section formerly permitted the municipality to collect a fee such as the one in question, but this Section was amended in 1959 and in the title of the Act it was expressly stated that the power of municipal inspectors to collect a permit fee from the State of New Mexico and its political subdivisions, including institutions, was removed.

We do not deem it necessary to go further than to quote the applicable sections of the statute and the title. These clearly show that the city inspector cannot collect the fee for plumbing installed in a public school.

By: B. J. Baggett

Assistant Attorney General