

## **Opinion No. 68-44**

April 26, 1968

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Mrs. Ernestine D. Evans Secretary of State Executive Legislative Building Santa Fe, New Mexico

### **QUESTIONS**

#### **FACTS**

Section 3-11-8.1 provides in part: "The filing fee for each of the following officers shall be: A. all officers receiving salary . . . 6 per cent of the first year's salary . . . ."

Supreme Court Justices, Judges Supreme Court Justices, Judges of the Court of Appeals and District Judges will receive a salary increase effective July 1, 1969.

Is the 6% filing fee to be computed on six months of 1969 at the existing salary and the last six months of 1969 at the increase, or should the 6% be figured for all of 1969 at the existing salary?

#### **CONCLUSION**

6% of the total salary for the year.

### **OPINION**

#### **{\*77} ANALYSIS**

It is the opinion of this office that the filing fee must be six percent of the total salary received in the first year. While the effective date of the salary increase is July 1, 1969, that salary increase is evidenced by Chapter 69, Second Session, Twenty-Eighth Legislature of New Mexico. The legislative mandate is, therefore, at this point that the salaries in question will be at one level for the first six months of 1969 and at a higher level the second six months. Section 3-11-8.1 is specific in requiring six percent of the first year's salary; therefore we have reached the conclusion noted above.

It should be noted that we distinguish this situation from the one discussed in Attorney General Opinion No. 58-45. That opinion involved reclassification of counties and consequently county official's salaries.

By: Roy G. Hill

Deputy Attorney General