

Opinion No. 37-1670

June 9, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. G. L. Benavidez County Clerk Socorro, New Mexico. Attention: Mr. B. J. Vigil, Deputy.

{*120} We have your letter dated June 8 wherein you inquire whether the Board of County Commissioners may legally permit liquor dealers to pay for half of the fee assessed by the Board for liquor licenses on June and the other half on January of the fiscal year for which applications are made.

Such action on the part of the Board of County Commissioners is permissible and lawful. This is a matter entirely in the discretion of the Boards of County Commissioners of the respective counties. The authority therefor is found in Section 1102 of Chapter 130 of the Laws of 1937 providing in part as follows:

"Boards of County Commissioners shall, by resolution duly passed and published in a newspaper of general circulation in the county, prescribe rules and regulations under which retailers, dispensers and clubs may dispense alcoholic liquors in their respective counties outside the corporate limits of municipalities when such counties have voted on and adopted the local option provisions of this Act, {*121} or of the acts of 1933, the Special Session of 1934, or of the acts of 1935 and not inconsistent with the provisions of this act. The respective Boards of County Commissioners shall in such resolutions so published set out, designate and prescribe license fees to be paid to such County, provided that the minimum rates prescribed for such licenses shall not be less than the following:

Dispenser's License for sale of all alcoholic liquors ___ \$ 200.00 Retailer's License for sale of all alcoholic liquors ___ 150.00 Club License for sale of all alcoholic liquors ___ 200.00"

Trusting the foregoing sufficiently answers your inquiry, I am

By FRED J. FEDERICI

Asst. Atty. Gen.