

Opinion No. 39-3287

September 23, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico.

{*109} In your letter of September 18th you inquire whether the Primary Election Fund should participate in proceeds of motor vehicle registration fees received by the county treasurers.

My opinion is that they may do so, if a levy has been made to supplement the filing fees which go to make up that fund as provided by Section 18, Chapter 2, Sp. Sess. Laws of 1938; otherwise not.

The last paragraph of Section 11-331, 1938 supplement, (L. '1935. Ch. 93, Sec. 1) provides that 25% of motor vehicles registration shall be paid to and distributed by the county treasurer in the same proportion that general property taxes are distributed. If levy has been made for that fund, its share of motor vehicle fees is gauged by the proportion which that levy bears to all other levies (other than state levy); if no levy has been made, then, of course, it has no share in such proceeds. This Section 11-331 clearly intended that all funds receiving general taxes should receive a proportionate share of the motor vehicle proceeds.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.