

**Opinion No. 41-3831**

July 8, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mrs. Jennie M. Kirby Director, Department of Public Welfare Santa Fe, New Mexico

{\*74} This will acknowledge receipt of your letter of June 24 wherein you inquire if it is necessary for the Department of Public Welfare to pay the various district court docketing fees on any official proceedings filed by the Department when the Department is performing certain duties charged to it by law.

This office has never ruled that it was necessary for any agency of the state acting in its official {\*75} position to pay any docket fee. Section 34-342 of the 1929 Compilation specifically exempts any state agency from paying any such fee in the following language, "no costs or allowances shall be charged or taxed by any clerk against the state or any county \* \* \*".

By HOWARD F. HOUK,

Asst. Atty. General