

Opinion No. 68-51

May 20, 1968

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Honorable Walter K. Martinez New Mexico State Representative 701 Elko Grants
New Mexico

QUESTION

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Is the filing fee for the magistrate pursuant to House Bill No. 4, Chapter 62, Second Session, 28th Legislature, 1968, \$ 50,000?

CONCLUSIONS

See analysis.

OPINION

{*88} **ANALYSIS**

House Bill No. 4 found in Chapter 62 of the 1968 Laws of New Mexico does not set forth the filing fee for the position of magistrate.

It is stated in Section 3-11-8.1 (D), N.M.S.A., 1953 Compilation (P.S. 1967) that the filing fee for a Justice of the Peace shall be \$ 50.00. Section 3-11-8.1 (D), N.M.S.A., supra, has not been expressly repealed.

House Bill No. 4 of Chapter 62 will be effective January 1, 1969. Section 36-1-38 states that:

"Whenever the term 'Justice of The Peace may be used in the laws it shall be construed to refer to the magistrate court."

It is the opinion of this office {*89} that the filing fee for magistrate is \$ 50.00

By: Spencer T. King

Assistant Attorney General