

Opinion No. 41-3715

February 14, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. A. M. Frazier Attorney, Unemployment Compensation Commission P. O. Box 1301 Albuquerque, New Mexico

{*35} Releases of tax warrants issued by the Unemployment Compensation Commission under Section 14 (b) of Chapter 175, Laws of 1939, are not subject to filing or recording fees under Chapter 179 of the Laws of 1939, when filed by the Unemployment Compensation Commission.

The county is a subdivision and an agency of the state, merely an arm of the state, and instruments filed by the state or services required from it by the state are not subject to the fees provided for such instruments or for such services, unless expressly or by necessary implication required by statute. We have no statute requiring the state to pay any such fees, and the Unemployment Compensation Commission is, of course, an agency of the state. On the contrary, the policy of the state has been not to assess the state for fees or costs.

In some cases the Legislature has taken the trouble to specifically prohibit charges for costs against the state, as, for example, in Section 34-342, 1929 Compilation, where it is provided "no costs or allowances shall be charged or taxed by any clerk against the state or any county * * *".

By A. M. FERNANDEZ,

Asst. Atty. General