

**Opinion No. 22-3268**

February 8, 1922

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. A. G. Whittier, State Traveling Auditor, Santa Fe, New Mexico.

**Application Bateman Act to Payment Wild Animal Bounty Warrants.**

**OPINION**

{\*118} I have been requested by Mr. D. M. Jackson, County Clerk of Eddy County, to render an opinion regarding the applicability of the Bateman Act to the payment of wild animal bounty, and in view of the general importance of the matter, I am taking the liberty of addressing the opinion to you in order that you may take such steps as you may deem necessary to advise county clerks throughout the state concerning the matter.

The Bateman Act, Sections 1227 to 1232, Code 1915, provides generally that funds raised by taxation in one year shall not be expended for indebtedness created or contracts entered into for any other year.

Section 1332, Code 1915, provides as follows:

"No warrants shall be issued in payment of bounties under this article unless there are funds in the 'Wild Animal Bounty Fund,' to pay the same. Where there are not sufficient funds in said wild animal bounty fund, to pay the bounties on scalps or skins so presented, the county clerk shall issue receipts to the persons presenting the same, which receipts shall be dated and numbered consecutively as issued, and the county commissioners shall issue bounty warrants to take up such receipts as fast as funds shall be paid into said 'Wild Animal Bounty Fund,' to meet the same."

It will be noted from the foregoing quotation that where there are not sufficient funds in the wild animal bounty fund to pay the bounties on skins or scalps, the county clerk is required to issue receipts to the persons presenting the skins or scalps, which receipts shall be dated and numbered consecutively as issued, and the county commissioners are then required to issue bounty warrants to take up such receipts as fast as funds shall be paid into the 'Wild Animal Bounty Fund' to meet the same.

In view of the provision that the receipts are to be taken up as fast as funds are available in the wild animal bounty fund, it would appear as if it was the intent that the bounty due should be paid in the order in which the receipts were issued, although the section quoted does not specifically require this method of procedure.

There could be no purpose, however, in the requirement that the receipts shall be dated and numbered consecutively as issued if it were not intended that they should be paid in that order.

It is, therefore, my opinion, that the wild animal bounty must be paid in the order in which the receipts are issued regardless of the year in which the taxes are levied and collected which constitute {\*119} the wild animal bounty fund, and wild animal bounty need not be distributed in the year in which the scalp or skin is presented.

Therefore, in our opinion, the Bateman Act does not apply to the distribution of [Illegible Word] animal bounty funds.