

**Opinion No. 68-87**

August 27, 1968

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Mr. Robert E. Kirkpatrick Deputy Director Department of Finance & Administration  
Legislative-Executive Bldg. Santa Fe, N. M.

**QUESTION**

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What recourse, if any, does a holder of a warrant issued by the State have to collect for past services, material sold or other, if the warrant is held over one year without being cashed?

CONCLUSION

See analysis.

**OPINION**

{\*139} **ANALYSIS**

Section 11-2-43,3. N.M.S.A., 1953 Compilation of the Warrant {\*140} Cancellation Act provides in part as follows:

"A. Whenever any warrant issued by the state, county, municipality, school district or special district is unpaid for one [1] year after it becomes payable, the fiscal officer shall cancel it.

D. Warrants canceled under subsection A are void **and the indebtedness evidenced thereby is extinguished**, which is hereby declared to be an express condition of every contract under which state warrants are issued; Provided, however, all state warrants which are outstanding at the time the Warrant Cancellation Act [11-2-43.1 to 11-2-43.3] takes effect may be redeemed and the indebtedness evidenced thereby preserved by complying with sections 11-2-45 and 11-2-46 New Mexico Statutes Annotated, 1953 Compilation for the issuance of a duplicate warrant." (Emphasis added.)

It is our opinion that the above quoted section is clear and unambiguous, one who fails to cash a warrant within the time period stated is without recourse against the State.

By: Gary O'Dowd

Assistant Attorney General