

Opinion No. 36-1487

December 10, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Elliott S. Barker State Game Warden Santa Fe, New Mexico

{*39} We have your letter of December 9, 1936, in which you ask our opinion as to whether or not vendors of game and fish licenses may remit the fees collected by them to the Game Commission to be paid over by the Commission to the State Treasurer.

Section 57-256, 1929 Code, provides that such license collectors shall pay these fees directly to the State Treasurer. This statute was passed in 1912. Section 57-107 provides that the State Game Commission shall have general control over the collection and disbursement of all monies collected or received under the state laws for the protection and propagation of game and fish, which money shall be paid over to the State Treasurer to the credit of the Game Protection Fund. This statute was passed in 1921; being the later statute it would repeal the 1912 act to the extent of any inconsistency between the two acts.

It is possible that the Game Commission might exercise general control over the collection of such fees without actually handling the money. The Game Commission can appoint the license collectors and require reports from them and in other ways supervise the collection of such fees.

The inconsistency, if any, between the two statutes is not obvious. If the present system of paying these fees directly to the State Treasurer instead of handling them through the Game Commission is not satisfactory, I would suggest that legislation be introduced at the coming session of the legislature to correct the situation.

Until that time I am of the opinion that fees should be remitted directly by the license collectors to the State Treasurer.

By: QUINCY D. ADAMS,

Asst. Atty. Gen.