6-11-5. [Taylor Grazing Act funds; distribution.]

That all funds received by the state of New Mexico as its distributive share of the amount collected by the United States government under the provisions of the Act of Congress of June 28, 1934 (48 Stat. 1269) Public [Law] No. 482, 73rd Congress, known as the Taylor Grazing Act and any act amendatory thereof, shall be deposited with the state treasurer. Upon receipt of said money, including any such money as may now be on hand, the state treasurer shall ascertain from the records of the proper United States officers having the records of the grazing districts or lands from which such moneys are derived the area of each such grazing district or lands, and the area of each thereof in each county in which the same is located or into which it extends, and the amount of money so derived from each such grazing district or lands, and thereupon shall distribute to each of the counties of the state from such moneys a sum equal to that proportion of the money derived from each grazing district or lands which the area of such district or lands within the county bears to the total area of such district or lands. If any grazing district shall lie partly in this state and partly in another, for the purpose of the computation and apportionment herein prescribed, the area thereof within this state shall be considered as one district.

History: Laws 1939, ch. 125, § 1; 1941 Comp., § 7-305; 1953 Comp., § 11-3-5.

Cross references. — For the Taylor Grazing Act, see 43 U.S.C. § 315 et seq.

ANNOTATIONS

Injunction against expenditure of funds. — A resident taxpayer of a county, on behalf of himself and others similarly situated, is entitled to an injunction against a board of county commissioners to prevent payment of moneys of the county under a contract in violation of a statute governing purchases involving expenditures in excess of $500, and requiring that such purchases be made from the lowest responsible bidder after advertisement for bids, though the moneys about to be expended where not realized under any process of taxation or through any collection from the taxpayers of the state or of the county, but came into the hands of the board by means of and through process set up by the Taylor Grazing Act, and under this section and 6-10-9 NMSA 1978. Shipley v. Smith, 45 N.M. 23, 107 P.2d 1050, 131 A.L.R. 1225 (1940).

Section complies with intent of congress. — This section complies with the intent of congress expressed in the Taylor Grazing Act, since conservation of soil and water, control of rodents and predatory animals, extermination of poisonous and noxious weeds and construction and maintenance of secondary roads within the county are a direct benefit to the county situated within the exterior boundaries of a grazing district. 1939-40 Op. Att’y Gen. 49.


Constitutionality and construction of state farm aid laws, 92 A.L.R. 768.

6-11-6. [Farm and range improvement fund; approval of expenditures.]

All money so received by any county shall be placed in a special fund known and designated "the farm and range improvement fund" and shall be expended by the county as herein prescribed for the benefit of the county in the conservation of soil and water, the control of rodents and predatory animals and the extermination of poisonous and noxious weeds, the construction of dipping vats, spraying machines and other structures to control parasites on livestock, and for repair and maintenance of said vats, machines and structures and for the construction and maintenance of secondary roads. In the administration and expenditure of said special fund, the county commissioners shall seek the advice of and may cooperate with state and federal agencies and officials having knowledge of or engaged in activities similar to those for which said special fund may be expended as herein prescribed. Any payment made from said special fund shall first have the approval of the president of the New Mexico college of agriculture and mechanic arts [New Mexico state university], and shall be based on a voucher whereon the items and purposes of the proposed expenditure are stated in detail, and which shall bear in its face the written approval of the president of the New Mexico college of agriculture and mechanic arts [New Mexico state university], or the person who for the time being is performing the duties of that office; provided, however, that such approving officer may designate, by written designation, filed in the office of the county clerk, some person in the county to give, endorse and sign such approval in his name.

History: Laws 1939, ch. 125, § 2; 1947, ch. 57, § 1; 1941 Comp., § 7-306; 1953 Comp., § 11-3-6.

Bracketed material. — The bracketed material was added by the compiler and is not part of the law.

Compiler’s notes. — The state school formerly known as the New Mexico college of agriculture and mechanic arts is now the New Mexico state university. See N.M. Const., art. XII, § 11.

Cross references. — For county roads, see 67-4-1 NMSA 1978 et seq.
For noxious weed control, see 76-7-1 NMSA 1978 et seq.
For rodent pets and predatory animals, see 77-15-1 NMSA 1978 et seq.

ANNOTATIONS

Congress and legislature did not intend that use of money be restricted to range land or ranches. — It was not the intent of congress in the Taylor Grazing Act, or of the legislature in this section, that the use of money for the purposes named therein should be limited to the range lands of the government being leased and from which the revenues are derived or to the individual ranches, but that it should be used for the benefit of the whole county wherever needed in the county, even to the exclusion of the federal ranges if the use of the funds should be deemed more necessary elsewhere. Secondary
roads mean roads other than state highways anywhere in the county. 1939-40 Op. Att'y Gen. 59.

Purchase of road machinery proper use of farm and range improvement fund. — Since this section prescribes that the farm and range improvement fund shall be expended for certain purposes including the construction and maintenance of secondary roads, in complying with it, the purchase of some road machinery for the purpose of improving secondary roads would be a proper expenditure by the county. 1939-40 Op. Att'y Gen. 32.

Funds may be used to maintain central office for three grazing districts. — Whereas a central office for three grazing districts would help materially in furthering the objectives of this section, a portion of the moneys in the farm and range improvement fund may legally be used in maintaining such a district grazing office. 1945-46 Op. Att'y Gen. No. 46-4930.

Responsibility for the administration of the moneys rests squarely upon the county commissioners. State and federal officials connected with the class of work mentioned in this section may outline and recommend procedure for the county commissioners, but it rests within the sound discretion of the latter whether they should follow such program. The only limitation on the commissioners is that the money must be expended in carrying out one or more of the purposes mentioned in this section. 1939-40 Op. Att'y Gen. 140.

President of New Mexico state university cannot refuse approval of vouchers for proper use of money. — Since no moneys can be paid by the county treasurer from the fund established by this section, except on vouchers approved by the president of New Mexico state university, or by some person selected by him in writing, and since the responsibility for the administration of the fund is left to the county commissioners, it is clear that the legislature contemplated that said president would act in the capacity of an auditing official for the fund. But so long as the money is expended in the conservation of soil and water, the control of rodents and predatory animals, the extermination of poisonous and noxious weeds or the construction and maintenance of secondary highways, said president or his representative cannot refuse approval of vouchers listing the items and purposes of the proposed expenditure in detail. 1939-40 Op. Att'y Gen. 140.