

Opinion No. 412**Counties—Warrants—Registered Warrants, Payment of—“Debt Reduction Fund.”**

HELD: Registered county warrants must be paid in the order of their registration. The “Debt Reduction Fund” provided for in Section 3, Chapter 160, Laws of 1933, does not relieve the general fund of the county from paying, in the order of their registration, any

warrants left outstanding after the exhaustion of such "Debt Reduction Fund."

December 20, 1933.

You submit the following question for an opinion from this office: "May the county treasurer in such districts after collection of the special tax levy made in accordance with Chapter 160, Laws of 1933, in applying such money so collected upon the outstanding warrant indebtedness prior to 1933, pay upon such outstanding warrant indebtedness any of the monies collected from any of the other sources, or must the county treasurer use such other monies to pay upon the current expenses of the school year, in which case, if this is done, in some of the districts there will be a gap left in the payment of the outstanding registered warrants against the district?"

Chapter 160, Laws of 1933, Section 3, provides that school warrants issued and outstanding at the close of the school year ending June 30, 1933, may be paid either by a bond issue or by special tax levies running over a period of years, and the proceeds of such special levies shall be deposited by the county treasurer in a special fund—"Debt Reduction Fund"—and shall be used for no other purpose, etc.

Warrants, however, must be paid in the order of their registration. (Sections 4752-4756 R. C. M. 1921.) In Volume 14 of Attorney General's Opinions, page 221, Attorney General Foot rendered an extensive opinion on a question similar to yours relating to a special levy for county purposes. With the reasoning and conclusion of that opinion we agree.

In view of the fact that the statutes require warrants to be paid in the order of their registration we see no way of filling the gap you refer to except to pay outstanding warrants in the order of their registration out of the debt Reduction Fund, each year until that fund is exhausted and then pay any remaining warrants of those outstanding at the end of June 30, 1933, out of the general fund of the district. The statutes do not provide for the payment of any warrants of subsequent registration over those of prior registration under any circum-

stances known to us, nor can we find any law to support such contention.

True, Chapter 160 provides a special method for the payment of outstanding warrants but if such special method does not supply sufficient funds to pay all of such warrants the regular fund is not relieved from paying any balance outstanding in the order of registration.