

COUNTY COURT:  
BOUNTIES:  
COYOTES & WOLVES:  
SECTION 279.010,  
RSMo 1949, AS  
AMENDED, Laws Mo.  
1951, BY HOUSE  
BILL #344:  
SECTION 279.030, RSMO  
1949, AS AMENDED, LAWS  
MO. 1951, BY HOUSE BILL  
#344.

On and after March 18, 1952, the county shall pay the sum of \$30.00 for any grown coyote or wolf and the sum of \$5.00 for each coyote or wolf pup which may be killed in the county, and ~~the~~ the state treasurer shall reimburse the county treasurer two-thirds of all bounties paid by such county.

March 24, 1952

Honorable Gene Frost  
Prosecuting Attorney  
424 Miner's Bank Building  
Joplin, Missouri



3-25-52

Dear Sir:

Your recent request for an opinion has been assigned to me for answer. Said request being as follows:

"The County Clerk of this county, Claude B. Taylor, has requested that I obtain an opinion from you regarding the amount of bounty to be paid on wolves and coyotes."

Section 279.010, RSMo 1949, originally provided for the payment of bounties on coyotes, wolves and wildcats, however, this section of the statutes has been superseded by House Bill #344, passed by the 66th General Assembly and signed by the Governor on December 13, 1951, which amended this section of the statutes. Said section 279.010, supra, as amended, Laws Mo. 1951, reads as follows:

"The county court of any county in this state shall pay a bounty of thirty dollars each for any grown coyote or wolf and five dollars each for any coyote or wolf pup which may be killed in such county, also a bounty of five dollars for each grown wildcat, and three dollars for each wildcat kitten which may be killed in such county; provided, that each such bounty shall not be paid for any coyote, wolf, wildcat, the pups of coyotes or wolves or kittens, of wildcats which may have been raised in captivity either within or without this state; provided further, that a coyote or wolf pup and a wildcat kitten shall be deemed such when under ten weeks old; provided, also, that it

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shall be unlawful to import into this state any such animals except for exhibition purposes and then only under permit as otherwise provided for by the statutes of this state."

From a reading of the above section of the statute as amended we find that the bounty to be paid for each grown coyote or wolf shall be \$30.00 and for each coyote or wolf pup the sum of \$5.00. We are of the opinion that the word "shall" as used in the statute as amended is imperative and mandatory. The word "shall" as used in statutes, contracts or the like, indicates that this word is generally imperative or mandatory. Stevens vs. Wurdeman, 295 Mo. 566, 246 S.W. 189, 194.

Section 279.030, RSMo 1949, was also amended by House Bill No. 344, supra, and as revised reads as follows:

"279.030. The clerk shall preserve all such scalps until the next regular term of the county court, when he shall produce such scalps to the county court and the court shall cause warrants to be made for the amount of bounty due to such claimant and shall forthwith order all such scalps to be destroyed by burning in the presence of the county court. The clerk shall thereupon certify to the state comptroller the name and address of the claimant for such bounty and the amount of bounty paid by the county, which shall be audited by the state comptroller, and upon approval by the state comptroller and the state auditor, the state treasurer shall refund to the treasurer of such county two-thirds of all bounties so paid by such county." (Underscoring ours.)

Further, it is our opinion that these statutes will become effective and operative on and after March 18, 1952, by virtue of Senate Concurrent Resolution #11, passed by the Senate on December 5, 1951, and concurred in by the House on December 12, 1951. Senate Concurrent Resolution #11 being as follows:

"WHEREAS, Section 29, Article III of the Constitution of 1945 provides that if the General Assembly recesses for 30 days or more it may prescribe by Joint Resolution that laws previously passed and not effective

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shall take effect 90 days from the beginning of such recess; and,

"WHEREAS, the Sixty-sixth General Assembly has resolved to recess for a period beginning December 19, 1951, and ending January 21, 1952;

"NOW THEREFORE BE IT RESOLVED by the House of Representatives and Senate jointly that all laws passed by the Sixty-Sixth General Assembly of the State of Missouri on or before the 19th day of December, 1951, and not effective, shall take effect and be in force on the 18th day of March, 1952."

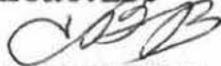
CONCLUSION

It is, therefore, the opinion of this department that the county on and after March 18, 1952, shall pay the sum of \$30.00 for any grown coyote or wolf and the sum of \$5.00 for each coyote or wolf pup which may be killed in the county and that the state treasurer shall reimburse the county treasurer two-thirds of all bounties paid by such county.

Respectfully submitted,

A. BERTRAM ELAM  
Assistant Attorney General

APPROVED:



J. E. TAYLOR  
Attorney General

ABE:mw