

farm, railroad right of way, grounds, or premises infested with them.

Under the provisions of Section 4503, *id.*, as amended by Section 2, Chapter 25, Laws of 1923, the board of county commissioners is authorized to purchase quantities of poison for use in the extermination of grasshoppers and other insect pests. In making up the county budget under the provisions of Chapter 148, Laws of 1929, the board of county commissioners may include therein the probable cost of exterminating grasshoppers in agricultural areas during the fiscal year and make a tax levy accordingly.

Should there be none made or should the amount raised prove inadequate, it is our view that the board may deal with the situation by declaring a public emergency under the authority given by Section 6 of said Chapter 148. In that way the fund can be replenished or created and the work of destruction go forward to success.

Opinion No. 243

County Commissioners—Grasshopper Extermination—Budget.

HELD: In making up the county budget, under the provisions of the Budget Act, the board of county commissioners may include therein the probable cost of exterminating grasshoppers in agricultural areas during the fiscal year and make a tax levy accordingly. If this is not done or if the amount raised is inadequate, the board may deal with the situation by declaring a public emergency.

June 19, 1933.

You call our attention to the fact that grasshoppers in large numbers have invaded agricultural districts in some of the northern tier of counties of the state and are causing grave damage to growing crops and grass, and ask for advice as to the best way to meet the situation.

It appears that the state has little, if any, money available for the destruction of insect pests, and that the Congress recently failed to make an appropriation for the purpose. The counties affected are, as a consequence, thrown largely on their own resources.

Under the provisions of Section 4501, Revised Codes 1921, the board of county commissioners of any county may appoint some suitable person or persons acting under the direction of the state entomologist, to poison or otherwise destroy grasshoppers, and in order to do so he, or they, may enter upon any