

No. 48

PREDATORY ANIMAL HUNTERS, Salaries of—BOARD OF COUNTY COMMISSIONERS—LIVESTOCK COMMISSION—INSECT PEST FUND—GOPHER DESTRUCTION FUND—HUNTERS—TRAPPERS

- Held:** A. The Board of County Commissioners is without authority to make expenditures of money from the general fund of the county with which to pay, or partly pay, the salaries of predatory animal hunters and trappers, either as a county project or in a joint project with others.
- B. The gopher destruction fund or the insect pest fund cannot be established to cover predatory animals and the moneys of these two funds used for the payment of salaries of hunters and trappers to control coyotes and other predatory animals.

March 18, 1941.

Mr. Edwin S. Booth, Jr.
Deputy County Attorney
Valley County
Glasgow, Montana

Dear Mr. Booth:

You have submitted the following questions:

(A) Has the Board of County Commissioners authority to make expenditures of money from the general fund of the county with which to match the funds of the State Livestock Commission in order to employ hunters and trappers of predatory game?

(B) Can the gopher destruction fund or the insect pest fund be established to cover predatory animals and the moneys of these two funds used for the payment of salaries of hunters and trappers to control coyotes and other predatory animals?

The answer to your first question (A) can be found in Attorney General's Opinion No. 52, Volume 19, Report and Official Opinions of the Attorney General, wherein it is held:

"The Board of County Commissioners is without authority of law to make expenditures of money from the general fund of the county with which to pay, or partly pay, the salaries of predatory animal hunters and trappers, either as a county project or in a joint project with others."

Answering question (B), as stated in your inquiry, Section 4498, Revised Codes of Montana, 1935, provides for the establishment of a gopher destruction fund to be raised by a tax upon all horticultural farming and grazing lands of the counties. The term "gopher" is defined in Section 4500. The insect pest fund is provided for by the provisions of Section 4504, and insect pests are defined by the provisions of Section 4505.

None of the above-mentioned sections provides for the hiring of predatory animal hunters and trappers or for the payment of their salaries.

The definitions used in Sections 4500 and 4505 are plain and unambiguous and are self explanatory. Without further legislation the gopher de-

struction fund or the insect pest fund cannot be established to cover predatory animals and the moneys of these two funds used for the payment of salaries of hunters and trappers to control coyotes and other predatory animals.

Therefore, it is my opinion:

A. The Board of County Commissioners is without authority to make expenditures of money from the general fund of the county with which to pay, or partly pay, the salaries of predatory animal hunters and trappers, either as a county project or in a joint project with others.

B. The gopher destruction fund or the insect pest fund cannot be established to cover predatory animals and the moneys of these two funds used for the payment of salaries of hunters and trappers to control coyotes and other predatory animals.

Sincerely yours,

JOHN W. BONNER
Attorney General