

**OPINION
64-80**

May 14, 1964 (OPINION)

COUNTIES

RE: Predatory Animal and Rodent Control

This is in reply to your letter of May 9, 1964, in which you state the following facts and questions:

The county commissioners of Logan County have requested that I write to your office and request an opinion as to certain procedures that they would like to follow here in Logan County. At their last meeting they were asked to appropriate a sum of money for the purpose of paying a trapper to come in and trap and hunt fox in Logan County. This would be a professional trapper in this field. The commissioners feel that they would get better results if they would pay a bounty to those persons living in Logan County of \$1.00 for each fox caught. They specifically would like to know (1) Whether they may appropriate money to pay a professional trapper. (2) Whether they may pay bounty for each fox caught to the people of Logan County in lieu of any other means of getting rid of the fox."

We note that section 20-16-04 of the North Dakota Century Code provides:

COUNTIES MAY COOPERATE IN PREDATORY ANIMAL AND INJURIOUS RODENT CONTROL. For the purpose of further carrying out the provisions of this chapter, the boards of county commissioners of the several counties of the state are hereby authorized to perform, within their respective counties, predatory animal and injurious rodent control as defined in section 20-16-01, and for this purpose to enter into cooperative agreements with the commissioner of agriculture and labor and the United States department of the interior, fish and wildlife service."

Section 20-16-01 of the North Dakota Century Code provides for the control and destruction of coyotes, wolves, bobcats, and foxes.

Section 20-16-05 of the North Dakota Century Code provides:

FUNDS AVAILABLE FOR PREDATORY CONTROL. In order to perform such control of predatory animals and injurious rodents, the boards of county commissioners are authorized to make necessary expenditures from special funds of the counties available for this purpose or from the county general or contingent funds."

The provisions of section 20-16-04 authorize the county commissioners to perform predatory animal and injurious rodent control. The statute apparently contemplates such control will be exercised in conjunction with the Department of Agriculture and Labor of the State of North Dakota and the United States Department of the Interior,

Fish and Wildlife Service. However we believe the statute is broad enough to permit the county commissioners to also appropriate money to pay a professional trapper and/or to pay a bounty for each fox caught in Logan County if moneys are available therefor. It would appear desirable, however, that prior to instituting such procedures the county contact the state and federal departments referred to in order ascertain any possible programs in which such departments might cooperate with the county.

HELGI JOHANNESON

Attorney General