



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable C. E. Patterson
County Attorney
Brewster County
Alpine, Texas

Dear Sir:

Opinion No. O-3895
Re: Commissioners' Courts - Em-
ployment of wolf trappers

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"Can a county legally pay out funds to apply on 1/3 of the salary for a government trapper, and if they can are they limited to number of trappers that may be employed?"

"The practice as followed is: for an association to pay 1/3 of the salary of government trappers, the state government a 1/3 and the commissioners court the other 1/3.

"Asstated before, I would appreciate an opinion as to whether or not the Commissioners Court can legally pay the 1/3 of said salaries, and if they can, are the limited on number of trappers that may be thus employed."

We assume from your request that you are referring to wolf trappers employed by the United States Department of Agriculture, Bureau of Biological Survey, in cooperation with the Chairman of the Livestock Sanitary Commission of Texas and the Commissioners' Court of your county, and our answer hereto is based upon that assumption.

Article 192b, Section 1, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Sec. 1. That the State of Texas will cooperate through the Live Stock Sanitary

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Commission of Texas with United States Department of Agriculture, Bureau of Biological Survey, in destroying coyotes, wolves, mountain lions, bobcats and other predatory animals, and through the Agricultural and Mechanical College of Texas will cooperate with the United States Department of Agriculture, Bureau of Biological Survey, in destroying prairie dogs, pocket gophers (Salamanders), jack rabbits, ground squirrels and other rodent pests in the interest of the protection of live stock, crops and ranges."

Article 192b, Section 4, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Sec. 4. The Chairman of the Live Stock Sanitary Commission of Texas is hereby authorized and directed to execute a cooperative agreement with the Secretary of Agriculture of the United States of America or the Bureau of Biological Survey of the United States of America for carrying out such cooperative work in predatory animal control in such manner and under such regulations as may be stated in said agreement. The president of the Agricultural and Mechanical College of Texas is hereby authorized and directed to execute a cooperative agreement with the Secretary of Agriculture or the Bureau of Biological Survey for carrying out such cooperative work in rodent control in such manner and under such regulations as may be stated in said agreement."

Article 192b, Section 5, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Sec. 5. That the Commissioners' Court of any county within the State or the governing body of any incorporated city or town within the State is empowered and authorized at its discretion to appropriate funds for the prosecution of the predatory animal and rodent control work contemplated by this Act (Art. 192b; P. C. art. 1378a) and in coopera-

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tion with State and Federal authorities to employ labor and to purchase and provide supplies required for the effective prosecution of this work."

Article 192b, Section 6, Vernon's Annotated Texas Civil Statutes, reads as follows:

"Sec. 6. All furs, skins and specimens taken by hunters or trappers, paid from State funds shall be sold under rules prescribed by the Live Stock Sanitary Commission of Texas and the proceeds of such sales shall be paid into the State Treasury to be credited and added to said predatory animal fund. All furs, skins, and specimens taken by hunters or trappers paid from county funds shall be sold as prescribed by the Commissioners' Court of the county, and the proceeds of such sale shall be paid into the County Treasury to be credited and added to such predatory animal fund, provided that any specimen so taken may be presented free of charge to the Agricultural and Mechanical College, or any other State institution or to the United States National Museum for scientific purposes."

Opinion No. 0-2709 of this department holds that the Commissioners' Court of Navarro County had authority to help pay the salary of a wolf trapper where the United States Department of Agriculture, Bureau of Biological Survey, paid the remainder of the wolf trapper's salary. We enclose herewith a copy of said opinion for your information.

You are respectfully advised that it is the opinion of this department that the Commissioners' Court has authority to pay out county funds (from the general fund of the county) to apply on the salary of such government wolf trapper. It is our further opinion that the Commissioners' Court may employ or assist in the payment of the salaries of as many such government wolf trappers as the Court in its sound discretion determines to be necessary.

Yours very truly

APPROVED SEP 13, 1941

Robert S. Allen
FIRST ASSISTANT
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By

Wm J. Fanning
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WJF:CO