



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Texas State Parks Board
Austin, Texas

Gentlemen:

Attention Mr. B. G. Link
Opinion No. O-2490
Re: Authority of Texas State
Parks Board to charge fees
for boat storage on waters
of Lake Corpus Christi, or
charge fees to those enter-
ing park property to reach
or launch boats on such
waters.

This is in reply to your letter of June 25, 1940,
requesting the opinion of this department upon the following
questions:

"Can the Texas State Parks Board legally
charge a fee for boat storage on the waters of
Lake Corpus Christi?"

"If the above question is answered in the
negative can a fee be charged by the Texas State
Parks Board to those entering upon park property
to launch boats or reach same after they have
been launched on the waters of Lake Corpus
Christi?"

In State v. Brannon (CCA 1937), 111 S. W. (2d) 347,
writ refused, the court said:

"The State park board is not an independent
corporation or institution operated for financial
gain, but is an agency of the state authorized to
and charged with the responsibility of acquiring
and maintaining a system of public parks for the
benefit of the people generally, for the benevolent
purpose of promoting the health, happiness, and gen-
eral welfare of its citizens."

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Being an agency of the State the authority of the board is circumscribed by the statutes of its creation. Acme Refining Co. vs. State (CCA 1935), 86 S. W. (2d) 507.

We have carefully examined the provisions of Title 103 of the Revised Civil Statutes of Texas, 1925, relating to the powers and duties of the State Parks Board and the acquisition, conduct and control of State parks by that agency, but we have been unable to discover that the Board has been given authorization by the Legislature to charge a fee or fees for any purpose. True, it has been authorized to grant concessions and to make concession contracts (Article 6070a, Vernon's Annotated Civil Statutes) but it has not been authorized to charge fees for boating privileges on lakes within or adjacent to State parks.

You are therefore respectfully advised and it is the opinion of this department that the Texas State Parks Board is without authority to charge fees for the storage of boats upon the waters of Lake Corpus Christi; nor may it charge fees to those entering park lands for the purpose of reaching or launching boats.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/
James D. Smullen
Assistant

JDS:RS

APPROVED JUL 9, 1940

/s/ Glenn R. Lewis
ACTING ATTORNEY GENERAL OF TEXAS

Approved
Opinion Committee
By B.W.B., Chairman