



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable R. V. Rayford
County Auditor
Rusk County
Henderson, Texas

Dear Mr. Rayford:

Opinion No. 0-3403

Re: Whether or not the Commissioners' Court has the power to make cash donations to a soil conservation district embracing such county.

We have your letter of inquiry as follows:

"A portion of Rusk County is included in the Shelby-Panola-Rusk County Soil Conservation District. Another portion is included in a Shelby-Nacogdoches, Rusk Soil Conservation District. Another portion of the County is not in any Soil Conservation District other than the fact that Rusk County is operating a full time Soil Conservation program of Terracing.

"These Soil Conservation Districts were organized under Sec. 3, Art. 165a-4 Revised Civil Statutes.

"Has the Commissioners Court the power to make cash donations to these Soil Conservation Districts?"

Your inquiry should be answered in the negative.

It is academic that the Commissioners' Court has just such powers, and none others, as are conferred upon it by law -- either expressly or by necessary implication.

The principle here involved was discussed quite fully by us in Opinion No. 0-740 (copy of which opinion is

Honorable R. V. Rayford - page 2

attached hereto) wherein we considered the legality of an appropriation from the General Fund of the county by the Commissioners' Court to be expended in the interest of flood control through a conservation and reclamation district. We ruled against the validity of such an expenditure, saying, "We have made an exhaustive search of the Constitution and the statutes of Texas, including the Act creating this district, and have found no express or implied authority anywhere for the Commissioners' Court to make such appropriation."

We have in the present instance made a careful study of the Act creating soil conservation districts and find nothing therein, if such content could constitutionally enter into such a bill, that would authorize the Commissioners' Court of a county embraced within such conservation district to make the donation suggested by you. Moreover, the statute authorizing State conservation districts shows the policy of the State with respect to such soil preservation and negatives, impliedly at least, the authority of counties as such to engage in such activities.

Very truly yours

APPROVED APR 18, 1941

ATTORNEY GENERAL OF TEXAS

W. W. R. R. R.
 FIRST ASSISTANT
 ATTORNEY GENERAL

By

Ocie Speer
 Ocie Speer
 Assistant

OS-MR

Enclosure

