



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable K. D. Hall
County Attorney
Refugio County
Refugio, Texas

Dear Sir:

Opinion No. 0-7106

Re: Construction of H. B. 678,
49th Legislature, R. S.

We acknowledge receipt of your request for an opinion of this department on the construction of the bill of above reference.

Your request is copied in part as follows:

". . . .

"Section 2 of the above bill provides among other things, as follows: 'It shall be unlawful for any person, firm or corporation, or their agent or agents, to use a seine, strike net, shrimp trowl, gill net or trammel net in the waters of Copano Bay at any place west of the causeway on the main highway northeast of Rockport. -----'

"For your information, before the above law was enacted a petition was gotten up by citizens of Refugio County to close the entire of Copano Bay and finally it seems to have been decided that if that portion were closed west of a projected line north and south from said causeway, the full length of said Bay, it would be satisfactory. This petition was presented to the representative for this district, and he was instrumental in getting the above bill enacted. There is no doubt of the intention being to close all of Copano Bay west of extended lines the full length of the Bay, both north and south from said Causeway. While the law is not as definite as it should be I think the legislative intent was for all of Copano Bay to be closed west of extended lines the full length of the Bay, both north and south of said causeway.

". . . ."

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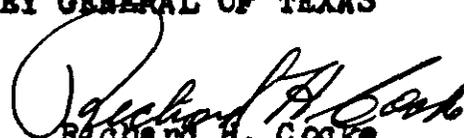
Your difficulty seems to arise by reason of the fact that in the bill the Legislature used the words "west of the causeway", and therefrom it might appear that the area wherein fishing was to be prohibited was that which lies directly west of the causeway. Section 4 of the Act, which is the emergency clause, states that "The fact that the Copano Bay section should be closed to some types of fishing and the present law does not properly regulate the taking of fish from these waters creates an emergency and an imperative public necessity". That clearly indicates to us that it was the intention of the Legislature to close the total area of Copano Bay that lies in a west or westerly direction from the causeway.

We trust that the foregoing fully answers your inquiry.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By


Richard H. Cooke
Assistant

RHC:RLT

