



# THE ATTORNEY GENERAL OF TEXAS

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ATTORNEY GENERAL

September 6, 1955

Mr. V. C. Marshall  
Executive Director  
Texas State Soil Conservation Board  
Neuman Building  
Temple, Texas

Letter Opinion No. MS-232

Re: Change of boundary lines of  
subdivisions of a soil con-  
servation district by the State  
Conservation Board under Section  
5 of Article 165a-4, V.C.S.

Dear Mr. Marshall:

You have requested an opinion of this office concerning the following matter:

"We respectfully request a formal opinion as to whether or not the State Soil Conservation Board in cooperation with the land owners may change boundary lines of subdivisions if desirable and necessary, even though territory has not been added."

The authorization for changing a boundary line of a subdivision of a soil conservation district is found in the State Soil Conservation Law itself, Article 165a-4, Vernon's Civil Statutes, Section 5, and is as follows:

". . . The State Soil Conservation Board, in cooperation with landowners, may change the boundaries of the subdivisions from time to time as may be necessary or desirable because of additions of territory to the district. . . ."

In construing this clause we must attempt to harmonize it with the statute as a whole. Martin v. Sheppard, 129 Tex. 110, 102, S.W. 2d 1036 (1937). We believe that the only reasonable construction which may be placed upon this wording is to interpret it to mean that the boundaries of the subdivisions may be changed from time to time as might be deemed necessary, and may also be changed when desirable because of additions of territory to the district.

If this provision were construed to mean that subdivision boundaries could never be changed except when additions of territory were made, the words "from time to time" would be meaningless, since such changes could never in fact be made from time to time, but could only be made upon the addition of new territory. The words "from time to

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time" would then contribute nothing to the sense of the sentence and are in fact inconsistent with an intent that only additions of territory could be the basis for changing subdivision boundaries.

We think this is especially true in view of the fact that changes in subdivisions boundaries would probably be necessary "from time to time" much more often for reasons other than the addition of new territory than because of the addition of new territory. Since the mere addition of new territory would not necessarily require the revision of already established subdivision boundaries, the Legislature, therefore, provided that changes in subdivision boundaries be made if "desirable" upon the addition of territory to the district.

We further believe that this construction is more harmonious with the statute as a whole than to interpret it as meaning that subdivision boundaries could never be changed except upon the addition of new territory. It would seem unreasonable to confer upon the Board authority to set boundaries upon the creation of a district and then deny it the authority to revise such boundaries when necessary unless it also added new territory. We believe that our construction will enable the law to be carried out effectively as the Legislature intended, and is in complete harmony with the Legislative intent and policy as expressed in Section 2 of the Act.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General.