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The State of Texas
OFFICE OF THE ATTORNEY GENERAL OF TEXAS

Austin

Gerald C. Mann
Attorney General

Honorable H. D. Dodgen, Chief Clerk
Game, Fish and Oyster Commission
Austin, Texas

Dear Sir:

Opinion No. 0-3509

Re: The status of the law in Robertson
County in respect to taking wild
turkeys.

Your letter of May 5, 1941, calls our attention to Senate Bill No. 507 of the Regular Session of the 42nd Legislature, which amended Chapter 10 of the 4th Called Session of the 41st Legislature, and which reads in part as follows:

"The open season for killing wild turkeys in any county composing the third, fifth and fourteenth senatorial districts . . . shall be during the months of March and April. Whoever kills a wild turkey in any of said counties at any time other than during said open season . . . shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. . . ."

and to House Bill No. 377 of the Regular Session of the 44th Legislature, which reads as follows:

"It shall be unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn or wild turkey in the county of Robertson, in the State of Texas, for a period of six (6) years from and after the passage of this Act."

Robertson County was included within the provisions of Senate Bill No. 507. House Bill No. 377 by its provisions expired May 6, 1941.

Honorable H. D. Dodgen, page 2

You request the opinion of this Department upon the status of the law at this time with reference to the taking of wild turkey in Robertson County under the foregoing statutes.

The Legislature did not in House Bill 377 expressly repeal Senate Bill 507 in its application to Robertson County. The doctrine of repeals by implication, upon the basis of an irreconcilable conflict, does not compel such a repeal because House Bill 377 by its express provisions was a temporary enactment to be in force and effect for only six years. The effect of House Bill 377, in our opinion, was merely to suspend the operation of Senate Bill 507 during the life of House Bill 377.

The purpose of House Bill 377, as recited in Section 3 thereof, was to accomplish the restocking of Robertson County with wild deer and turkey. We cannot, in the absence of express language, attribute to the Legislature, in the enactment of House Bill 377, the intent to repeal outright Senate Bill 507 as to Robertson County, and thereby, at the end of six years, leave the killing of wild turkey unregulated and unrestricted in such county. Manifestly this would frustrate the very purpose of House Bill 377.

It is therefore the opinion of this Department that House Bill 377 merely suspended the operation of Senate Bill 507 in Robertson County for six years and that upon the expiration of such period of time the provisions of Senate Bill 507 became once again in force and effect in such county. In consequence, the open season for the taking of wild turkeys in Robertson County is in accordance with Senate Bill 507, namely, during the months of March and April.

Yours very truly

APPROVED MAY 20, 1941

ATTORNEY GENERAL OF TEXAS

/s/ Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

By /s/ Zollie C. Steakley
Zollie C. Steakley
Assistant

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APPROVED OPINION COMMITTEE
By BWB Chairman