



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Wm. J. Tucker
Executive Secretary
Game, Fish and Oyster Commission
Austin, Texas

Honorable J. B. Arnold, Director
Coastal Division
Game, Fish and Oyster Commission
340 Nixon Building
Corpus Christi, Texas

Gentlemen:

Opinion No. 0-6039
Re: Closed season on use of
shrimp trawls on inland
salt waters.

You inquire as follows:

"The question has been raised as to whether or not the bays in Harris and Galveston Counties are closed to the use of shrimp trawls on May 15, with the exception of the use of small trawls for the purpose of taking bait.

"Section 5, page 180 of the Game, Fish and Oyster Laws, H. B. 80, 3d C. S. 42nd Leg., as amended by H. B. 39, Reg. Ses. 46th Leg. closes the bays in question during the summer months.

"Section 1, page 172 of the Game, Fish and Oyster Laws, H. B. 820, Reg. Ses. 47th Leg. states that it shall be unlawful to catch or have shrimp in possession from the inland salt waters of this state during the period of time from and between July 15 and August 31 and during the period of time from and between September 15 and March 1st of any year. It further states that it shall be unlawful to use or possess any shrimp trawl in or on any of the salt waters of this state, except the Gulf of Mexico during the period of time aforementioned."

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In 1939, by Special Law, the Legislature enacted that:

"It shall be lawful to use . . . shrimp trawls . . . for the taking of fish and shrimp from the waters of East Galveston Bay in the Counties of Galveston and Chambers . . . during the period beginning August 15th and ending May 15th of each year. . . ." Chapter 67, Special Laws, Acts 46th Legislature.

Two years later, in 1941, the Legislature passed the following statute on the same subject:

"It shall be unlawful to catch or have in possession any shrimp from the inland salt waters of this State during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year.

"It shall also be unlawful to use, operate, or possess any shrimp trawl in or on any of the salt waters of this State except the Gulf of Mexico during the period of time from and between the 15th day of July and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year, except as hereinafter provided in this Act.

". . ." Chapter 322, Acts 47th Legislature.

The two statutes are in conflict on the closed and open seasons. Under such circumstances, it is elementary that the last expression of the Legislature prevails. The seasons should therefore conform to the provisions of the 1941 Act.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Elbert Hooper*
Elbert Hooper
Assistant

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APPROVED
OPINION
COMMITTEE
BY *BLUTZ*
CHAIRMAN