



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

February 1, 1967

Honorable J. R. Singleton
Executive Director
Parks and Wildlife Department
Austin, Texas

Opinion No. M-18

Re: Whether Acts 57 Leg. R.S.
1961, Ch. 99, P. 186, de-
prives the Parks and Wild-
life Department of power
to issue depredation permits
under Article 888, V.P.C.

Dear Mr. Singleton:

You have requested an opinion from this office upon the above question.

Article 888, Vernon's Penal Code, is a general statute applying to every county in the State, allowing the Parks and Wildlife Department to permit the killing of wild birds or wild animals protected under Chapter 6, Title 13, Vernon's Penal Code of Texas, without regard to the open or closed season, bag limit, or night shooting, under certain circumstances and within certain limits when such wild birds or wild animals are destroying crops or domestic animals. The purpose of this statute is to prevent depredation by wild fowl or animals protected by game laws.

Acts 57th Leg. R. S. 1961, Ch. 99, P. 186 and codified by Vernon as a "note" under Article 978j, applies only to Dimmitt, Uvalde and Zavala Counties. Said Act makes it unlawful for any person to hunt, take, kill or possess, or attempt to hunt, take or kill any game bird or game animal in said Counties at any time, except at certain periods of time determined by the Parks and Wildlife Department as necessary for conservation of the wildlife resources. The purpose of this statute is to protect the wildlife resources of this State, within such counties from depletion and waste.

Section 15 of said Act provides for the repeal of all laws and parts of laws, both general and special prescribing an open season or period of time when it shall be lawful to take or kill any of the wildlife resources, as defined therein, of such counties, together with all laws prescribing a closed season for such killing or taking, as well as all laws or parts of laws, general or special, prescribing or limiting the method, means or manner in which any of the

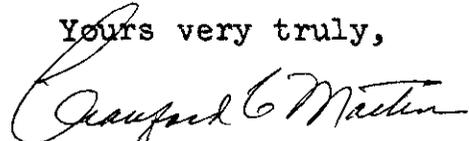
wildlife resources of said counties are taken, and any and all laws, general and special, in conflict with the provisions of this Act.

Thus, the repealing clause repealed only those laws prescribing open and closed seasons for taking wildlife resources of such counties and was not intended to repeal any law controlling predators upon stock and crops for the benefit of stockmen and farmers. You are, therefore, advised that Article 888, Vernon's Penal Code, is not repealed and is applicable to Dimmitt, Uvalde and Zavala Counties as well as the other counties of this State, and the Parks and Wildlife Department has the authority to issue depredation permits pursuant to Article 888, Vernon's Penal Code, for use in Dimmitt, Uvalde and Zavala Counties.

S U M M A R Y

The Parks and Wildlife Department has the authority to issue depredation permits, under Article 888, Vernon's Penal Code, for the killing of wild birds or animals in Dimmitt, Uvalde and Zavala Counties, unaffected by Acts 57 Leg. R.S. 1961, Ch. 99, P. 186.

Yours very truly,



CRAWFORD C. MARTIN
Attorney General of Texas

RLL/dt

Prepared by R. L. Lattimore
Assistant Attorney General

APPROVED:

OPINION COMMITTEE:
Hawthorne Phillips, Chairman
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John Reeves
Sam Kelley
W. O. Shultz

A. J. Carubbi, Jr.
Staff Legal Assistant