



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

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

Dear Sir:

Opinion No. 0-4942
Re: Procedure to be followed
in formulating compact
between the States of
Texas and Oklahoma for
controlling fishing and
hunting in the parts of
the States of Texas and
Oklahoma inundated by the
waters of Denison Dam.

This will acknowledge receipt of your letter of September 15, 1942, requesting the opinion of this Department, from which we quote as follows:

"This office is requesting you advise us as to the necessary procedures to be followed in formulating a compact with the State of Oklahoma for controlling fishing and hunting in that portion of the State of Oklahoma and Texas inundated by the waters of Denison Dam.

"1. What authority could be exercised by administrative agencies of the State of Texas and Oklahoma after such a compact was achieved, and there was the necessary attendant legislation on this subject?

"2. Could special legislation provide that a special fee be charged for fishing and hunting within the area for the benefit of such a compact?

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"3. Could special police regulations be provided that could be enforced in any portion of the area by either the police authorities of Texas or Oklahoma?

"4. If an adequate compact is approved by the United States Congress, could the area embraced include not only the waters impounded by Denison Dam but the adjacent area for the purpose of promoting wild life conservation therein?

"We shall appreciate very much your full advice on this subject, in order that we may be properly guided in negotiating with the game and fish authorities of the State of Oklahoma."

The States of Texas and Oklahoma can enter into a compact controlling fishing and hunting in that portion of the States of Texas and Oklahoma inundated by the waters of Denison Dam.

The Legislature of the states desiring to enter into such compact may, by Act duly passed, authorize their Governor to appoint a Commissioner to enter into negotiations, looking to the formation of such compact. The Governor of each such state should also request the Federal authority to name a representative to participate in the negotiations for a compact.

If and when an agreement or compact is entered into between the states, such compact should be approved by the Federal representative participating, ratified by the Legislature of each of the signatory states, and approved by the Congress of the United States.

The states entering into a compact may provide therein for the exercise of such authority over the area

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embraced therein as they may deem appropriate, that is not in conflict with the Constitution and laws of the United States, or of the signatory states, but the authority to be exercised over the area embraced in the compact by each of the signatory states should be clearly defined therein.

What is said above, we think, answers your question No. 1.

We are of the opinion that your questions Nos. 2, 3 and 4 should be answered in the affirmative.

Yours very truly

MAY 5, 1948
George Sullivan
FIRST ASSISTANT
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

E. P. Price
E. P. Price
Assistant

BY

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