



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

February 25, 1972

Hon. James U. Cross  
Executive Director  
Texas Parks & Wildlife Dept.  
John H. Reagan Bldg.  
Austin, Texas 78701

Opinion No. M-1080

Re: Authority of the Parks and Wildlife Dept. to commission persons not employed by the Department as non-salaried game wardens, granting to them law enforcement powers as to the game and fish laws, and related question.

Dear Mr. Cross:

This is in response to the following inquiry from your office:

"Does the Parks and Wildlife Commission or the Executive Director have the statutory authority to commission persons not employed by the Parks and Wildlife Department as non-salaried game wardens, granting to such persons law enforcement powers to enforce game and fish laws?"

Article 978f-3a, §3, Vernon's Annotated Penal Code, states in pertinent part:

". . . Such Executive Director shall have authority to appoint such heads of divisions, game and fish wardens, park managers, and other employees as may be authorized by appropriations therefor and as may be deemed necessary for executing, administering and carrying out the duties and services authorized by law to be performed by the Parks and Wildlife Commission and the Parks and Wildlife Department. . . ." (Emphasis added.)

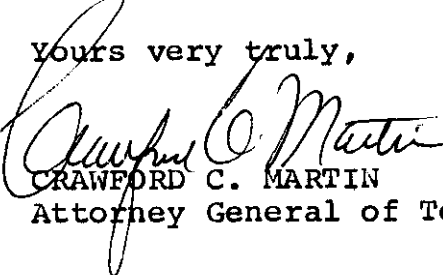
We find no other authority for the appointment of game wardens, and an examination of the current Appropriations Act reveals no provision for the appointment of any number of non-salaried game wardens. Even if provided in the Appropriation Bill, it would still be necessary to have a pre-existing law to support the appropriation.

It is therefore the opinion of this office that your department is not authorized to appoint any game wardens, salaried or otherwise, except those authorized by the current Appropriations Act.

S U M M A R Y

Neither the Parks and Wildlife Commission nor the Executive Director has any statutory authority to commission persons not employed by the Parks and Wildlife Department as non-salaried game wardens, granting to such persons law enforcement powers to enforce game and fish laws.

Yours very truly,



CRAWFORD C. MARTIN

Attorney General of Texas

Prepared by Howard M. Fender  
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APPROVED:  
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