



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

August 31, 1990

Honorable D. R. "Tom" Uher  
Chairman  
House Redistricting Committee  
P. O. Box 2910  
Austin, Texas 78768-2910

LO-90-60

Dear Representative Uher:

You ask whether the Matagorda County Navigation District No. 1 may "invest" its funds in a joint venture with the General Land Office and Texas A&M University to promote fishing farming and aquaculture in Matagorda County. You state that the district operates under the provisions of article XVI, section 59, of the Texas Constitution.

We assume that you do not use the term "invest" to suggest that the district would receive a return on its money. Rather, we understand you to ask whether the district may use its funds to promote fishing farming and aquaculture.

Navigation districts operating under article XVI, section 59, of the constitution are governed by chapters 60 and 62 of the Water Code. The purposes for which such a district may be created are set out in section 62.101:

A district may be created under this chapter to provide, in or adjacent to its boundaries, for:

(1) the improvement, preservation, and conservation of inland and coastal water for navigation;

(2) the control and distribution of storm water and floodwater of rivers and streams in aid of navigation; and

(3) any other purposes necessary or incidental to the navigation of inland and coastal water or in aid of these purposes,

as stated in Article XVI, Section 59, of  
the Texas Constitution.

See generally Water Code ch. 62, subch. B (creation of district)<sup>1</sup>; Texas Navigation Districts and Regional Planning in the Gulf Coast Area, 10 Hous. L. Rev. 533 (1973) (general discussion of Texas navigation districts). Although this office is unable to determine whether a project serves one of those purposes, you have offered no explanation of how promotion of fish farming would serve one of those purposes. Nor have you brought to our attention any other statute that would authorize the project in question. See generally Parks & Wild. Code §§ 1.201 - 1.206 (creation of Aquaculture Executive Committee); Agric. Code ch. 134 (regulation of fish farming). A navigation district may not spend its funds for unauthorized purposes.

Because you suggest no basis for concluding that a navigation district is authorized to spend money to promote fish farming, we need not address the constitutional issues you raise.

Very truly yours,



Sarah Woelk, Chief  
Letter Opinion Section

SW/lcd

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1. We assume that the Matagorda County Navigation District No. 1 was created pursuant to the general provisions of the Water Code rather than by special law since we find no listing for the district in the Vernon's 1990 pamphlet containing water auxiliary laws.