



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

JOHN L. HILL,
ATTORNEY GENERAL

December 30, 1976

The Honorable General James Rose
Executive Director
Texas Water Development Board
P. O. Box 13087, Capitol Station
Austin, Texas 78711

Opinion No. H- 915

Re: Effect of 1975 legis-
lation on need for Harris
County Flood Control District
to submit its plans to Texas
Water Development Board.

Dear General Rose:

In 1975 the 64th Legislature amended the statute which created the Harris County Flood Control District (article 8280-120, V.T.C.S.) by adding a section reading:

3A. Projects proposed to be constructed by the Harris County Flood Control District, other than levees and structures related to levees, shall be under the control of the Commissioners Court acting as the governing board for the District. The findings of the Commissioners Court as to the plan of work, the necessity, the location, and the type of improvement of a project covered by this section shall be final and not subject to review. Acts 1975, 64th Leg., ch. 593 at 1877. (Emphasis added).

Your office has asked if the Harris County Flood Control District is required to submit its plans for projects other than levees and structures related to levees to the Texas Water Development Board prior to construction of the projects, and you call our attention to sections 11.458 and 57.102 of the Texas Water Code.

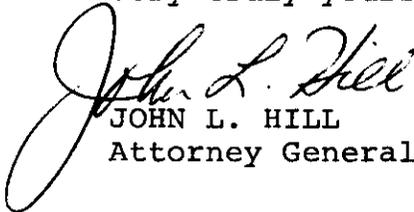
The 1975 statute specifically provides that the findings of the Harris County Commissioners Court with regard to Harris County Flood Control District projects other than levees and structures related to levees are final and are not subject to review. Accordingly, Harris County Flood Control District projects other than levees and structures related to levees are not required to be submitted to the Texas Water Development Board prior to their construction.

We believe this interpretation reflects the intent of the Legislature, since the 1975 statute was enacted in apparent response to a 1974 Attorney General Opinion [Attorney General Opinion H-328 (1974)] which indicated that certain proposals of this District were required to be submitted to the Texas Water Development Board for its approval.

S U M M A R Y

The Harris County Flood Control District is not required to submit its plans for projects other than levees and structures relating to levees to the Texas Water Development Board.

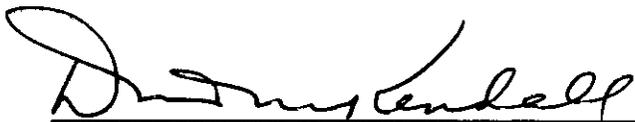
Very truly yours,



JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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