



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

February 28, 1968

Honorable Joe Resweber
County Attorney
Harris County Courthouse
Houston, Texas

Opinion No. M-56-A

Re: Clarification of Attorney
General's Opinion Number
M-56

Dear Mr. Resweber:

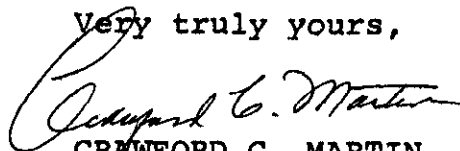
In connection with the captioned opinion, certain questions have arisen as to the extent of power of fresh water supply districts to acquire or construct storm sewer facilities. The questions involved in the above referred opinion concerned the powers of the commissioners' courts over county roads and other areas in the county and such opinion should not be considered as authority, one way or the other, in regard to the extent of the powers of fresh water supply districts to construct or maintain storm sewers.

The above referred opinion was in no way intended as authority for the proposition that fresh water supply districts have any sort of general drainage powers under Articles 7881 or 7918, Vernon's Civil Statutes, or otherwise; nor was it the intent that such opinion should constitute any authority for the proposition that a "storm sewer" is a "sanitary sewer" within the meaning of Section 1 of Article 7930-4, Vernon's Civil Statutes.

It is clear that fresh water supply districts may acquire or construct any facilities which are necessarily or fairly implied from the powers granted or essential to the accomplishment of the declared objects and purposes of the water district. The facilities referred to in Attorney General's Opinion No. 56 (1967) as "storm sewers" were facilities which were to be or had been constructed by the district as essential to the accomplishment of the authorized purpose of conserving fresh water. Any interpretation of that opinion in regard to such questioned powers should be so limited.

Hon. Joe Resweber, page 2 (M-56-A)

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Harold G. Kennedy
Assistant Attorney General

APPROVED:
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