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MAR 06 2012

OPINION COMMITTEE



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HOUSE OF REPRESENTATIVES

RQ-1046-6A FILE # ML-46975-12  
I.D. # 46975

March 5, 2012

Office of the Attorney General  
Attention: Opinion Committee  
P.O. Box 12548  
Austin, TX 78711-2548

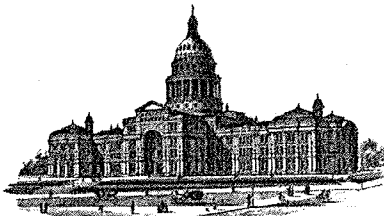
**Re: Request for Attorney General Opinion**

Dear Attorney General Abbott:

I respectfully request an Attorney General Opinion as to whether language within House Bill No. 1260 (61(R) - 1969) may infringe upon the operation of Brazoria County Drainage District #5 (Iowa Colony, Texas). Set forth below is an outline of the factual background, and my understanding of the legal analysis.

Brazoria County Drainage District #3 (Alvin, Texas) was created on January 10, 1910, and Brazoria County Drainage District #5 was created (S. B. No. 134) on August 14, 1912. (Both drainage districts initially were created as conservation and reclamation districts.) However, House Bill No. 1260 (61(R) - 1969) as signed by the Governor on May 22, 1969 reestablished and recreated Brazoria County Drainage District #3 of Brazoria County, Texas, as Brazoria County Conservation and Reclamation District #3 (C&R #3).

House Bill No. 1260 states that: "...the district may acquire by purchase, gift, or condemnation, lands and easement located within or outside the district to accomplish the lawful purposes of the district..."; Section 3., "It is determined and found that all land and other property included within the area and boundaries of the district and lands and properties which may feasibility be served by the district, will be benefitted by the works and projects which are to be accomplished...": Section 4., "...drainage of its overflowed lands and other lands needing drainage..."; and "...within the district or adjacent thereto."; Section 5. (a), "...within the district or adjacent thereto,..."; (b), "within the district, or necessary or proper to the preservation, conservation, or reclamation of its lands and other lands needing drainage." (c), "...within and outside the boundaries of the district...", (d), "...and properties and others, as may be necessary...". There are several more repeating phrases.

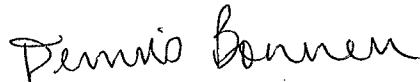


Both C&R #3 and District #5 were created in the early 1900's as drainage districts (conservation and reclamation districts). But for reasons uncertain, C&R #3 was reestablished and recreated as "Brazoria County Conservation and Reclamation District Number Three" with language that could be interpreted as meaning that C&R #3 can work within and outside its boundaries, at its choosing, even though 'outside' and/or 'adjacent to' its boundaries may be within another drainage district's boundaries.

Therefore, District #5 would appreciate the Attorney General Office's opinion on whether the language contained in House Bill No. 1260 allows one drainage district (conservation and reclamation district) to conduct works within another drainage district (conservation and reclamation district) without any prior verbal or written contract (interlocal agreement) or prior verbal or written permission to enter another district to provide works. Further, if C&R #3 enters into District #5, does it have to work in accordance with District #5's rules or in accordance with its own rules/methods?

I sincerely appreciate your consideration of this request. If I can provide any additional information or clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Bonnen".

Dennis Bonnen  
District 25