

AN ACT

relating to the powers, duties, and directors of the Menard County Underground Water District and the directors of the Menard County Water Control and Improvement District No. 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 180, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Section 6 and adding Section 6A to read as follows:

Sec. 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 36 [~~50~~] and 49 [~~52~~], Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas [~~Water~~] Commission on Environmental Quality.

Sec. 6A. PERMIT FOR WELL. The district may require a permit for a well used for domestic purposes or to provide water for livestock, poultry, or wildlife if the well is:

(1) on a tract of land smaller than 100 acres;

(2) less than 500 feet deep; and

1           (3) drilled, completed, or equipped so that it is  
2 capable of producing more than 9,000 gallons of groundwater per  
3 day.

4           SECTION 2. Section 1A, Chapter 31, Acts of the 55th  
5 Legislature, 1st Called Session, 1957, is amended to read as  
6 follows:

7           Sec. 1A. The District is governed by a board of five  
8 directors composed of the persons who serve as directors of the  
9 Menard County Underground Water District. A ~~[Each]~~ director of the  
10 Menard County Underground Water District who serves on the board of  
11 directors of the Menard County Water Control and Improvement  
12 District No. 1 does not violate the common-law doctrine of  
13 incompatibility ~~[as an additional duty of his office as director of~~  
14 ~~the underground water district]~~. A director is not entitled to  
15 compensation for service on either ~~[the]~~ board of directors but may  
16 be reimbursed as provided by board rules for expenses incurred in  
17 carrying out the business of the districts ~~[District]~~.

18           SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2005.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 1229 was passed by the House on April 27, 2005, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 1229 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor