

By: Hilderbran

H.B. No. 1229

A BILL TO BE ENTITLED

AN ACT

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

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

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

9 Sec. 6. POWERS. (a) The district has all of the rights,
10 powers, privileges, authority, functions, and duties provided by
11 the general law of this state, including Chapters 36 [~~50~~] and 49
12 [~~52~~], Water Code, applicable to underground water conservation
13 districts created under Article XVI, Section 59, of the Texas
14 Constitution. This Act prevails over any provision of general law
15 that is in conflict or inconsistent with this Act.

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

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

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

24 (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.