

1-1 By: Hilderbran (Senate Sponsor - Fraser) H.B. No. 1229
1-2 (In the Senate - Received from the House April 28, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Natural Resources; May 6, 2005, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers, duties, and directors of the Menard County
1-9 Underground Water District and the directors of the Menard County
1-10 Water Control and Improvement District No. 1.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 180, Acts of the 72nd Legislature,
1-13 Regular Session, 1991, is amended by amending Section 6 and adding
1-14 Section 6A to read as follows:

1-15 Sec. 6. POWERS. (a) The district has all of the rights,
1-16 powers, privileges, authority, functions, and duties provided by
1-17 the general law of this state, including Chapters 36 [~~50~~] and 49
1-18 [~~52~~], Water Code, applicable to underground water conservation
1-19 districts created under Article XVI, Section 59, of the Texas
1-20 Constitution. This Act prevails over any provision of general law
1-21 that is in conflict or inconsistent with this Act.

1-22 (b) The rights, powers, privileges, authority, functions,
1-23 and duties of the district are subject to the continuing right of
1-24 supervision of the state to be exercised by and through the Texas
1-25 [~~Water~~] Commission on Environmental Quality.

1-26 Sec. 6A. PERMIT FOR WELL. The district may require a permit
1-27 for a well used for domestic purposes or to provide water for
1-28 livestock, poultry, or wildlife if the well is:

1-29 (1) on a tract of land smaller than 100 acres;

1-30 (2) less than 500 feet deep; and

1-31 (3) drilled, completed, or equipped so that it is
1-32 capable of producing more than 9,000 gallons of groundwater per
1-33 day.

1-34 SECTION 2. Section 1A, Chapter 31, Acts of the 55th
1-35 Legislature, 1st Called Session, 1957, is amended to read as
1-36 follows:

1-37 Sec. 1A. The District is governed by a board of five
1-38 directors composed of the persons who serve as directors of the
1-39 Menard County Underground Water District. A [~~Each~~] director of the
1-40 Menard County Underground Water District who serves on the board of
1-41 directors of the Menard County Water Control and Improvement
1-42 District No. 1 does not violate the common-law doctrine of
1-43 incompatibility [as an additional duty of his office as director of
1-44 the underground water district]. A director is not entitled to
1-45 compensation for service on either [~~the~~] board of directors but may
1-46 be reimbursed as provided by board rules for expenses incurred in
1-47 carrying out the business of the districts [~~District~~].

1-48 SECTION 3. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2005.

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