

and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, February 10, 1953: Yeas 30, Nays 1; passed the House, February 18, 1953: Yeas 132, Nays 8.

Approved Feb. 23, 1953.

Effective Feb. 23, 1953.

HIGH PLAINS UNDERGROUND WATER CONSERVATION DISTRICT #1—VALIDATION

CHAPTER 10

H. B. No. 56

An Act ratifying, confirming, and validating the designation of Subdivision No. One of the Underground Water Reservoir, High Plains Area, Ogallala Formation, South of Canadian River in Texas, dated March 26, 1951, and of the creation and establishment of High Plains Underground Water Conservation District No. 1; providing for the conservation, preservation, protection and recharging and the prevention of waste of underground water within said District; prescribing the powers, functions and limitation of such district, including power to levy taxes and issue bonds; providing the Act shall not be construed to affect any District or bond proceedings or bonds issued or to be issued in which there is pending litigation upon the effective date of the Act; containing a saving clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The creation and establishment of High Plains Underground Water Conservation District No. 1, composed of lands and territories situated within all or a portion of the Texas counties of Armstrong, Bailey, Castro, Cochran, Deaf Smith, Floyd, Hockley, Lamb, Lubbock, Lynn, Parmer, Potter and Randall, the boundaries of said district being described by metes and bounds in Resolution canvassing returns and declaring results of confirmation election dated October 11, 1951, recorded in Volume 1, Page 40, of the Conservation District Records of Lamb County, Texas, and recorded in Volume 149, Page 158 of the Deed Records of Lamb County, Texas, to which reference is here made for a more complete description, and which is incorporated herein by reference the same as if copied herein in full, is hereby ratified, confirmed and validated. All acts of the Board of Water Engineers of the State of Texas in regard to the designation of Subdivision No. One of the Underground Water Reservoir, High Plains Area, Ogallala Formation, South of Canadian River in Texas, dated March 26, 1951, in regard to the creation and establishing of said district, and the appointment of five (5) directors, and all acts of the Board of Directors of said district in regard to the creation and establishment of said district and in regard to levying and collecting ad valorem taxes by said district are in all things ratified, confirmed and validated, and said district, composed of the land and territory described above, is hereby declared to have been fully and duly created and established and authorized to collect ad valorem taxes from and after the confirmation and tax elections held within said district on September 29, 1951.

Sec. 2. High Plains Underground Water Conservation District No. 1, hereinafter sometimes referred to as the district, shall have and exercise and is hereby vested with all of the rights, powers, privileges and duties conferred and imposed by the general laws of this State now enforced or hereafter enacted applicable to underground water conservation districts created under authority of Article 16, Section 59 of the Constitution

of Texas, and Chapter 3A of Title 128, Vernon's Texas Civil Statutes, together with all amendments and additions thereto, including particularly Article 7880—3c, Vernon's Texas Civil Statutes (Chapter 306, Page 559, Acts of the 51st Legislature of Texas, 1949) for the purposes of:

(1) to formulate, promulgate and enforce rules and regulations for the purpose of conserving, preserving, protecting and recharging the underground water of the underground water reservoir or subdivision thereof;

(2) to formulate, promulgate and enforce rules and regulations to prevent the waste, as defined in Section 3c, Article 7880, Revised Civil Statutes of Texas as now, or hereafter amended, of the underground water of the underground water reservoir or subdivision thereof;

(3) to require permits for the drilling, equipping and completion of wells in the underground water reservoir and to issue such permits subject to such terms and provisions with reference to the drilling, equipping and completion thereof as may be necessary to prevent waste;

(4) to provide for the spacing of wells producing from the underground water reservoir or subdivision thereof and to regulate the production therefrom so as to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure; provided, however, the owner of the land, his heirs, assigns and lessees, shall not be denied a permit to drill a well on his land and produce underground water therefrom subject to rules and regulations promulgated hereunder to prevent waste;

(5) to require records to be kept and reports to be made of the drilling, equipping, and completion of wells into the underground water reservoir or subdivision thereof and the taking and use of underground water therefrom; to require accurate drillers' logs to be kept of such wells and a copy thereof and of any electric logs which may be made of such wells to be filed with the district and the State Board of Water Engineers;

(6) to acquire lands for the erection of dams and for the purpose of draining lakes, draws, and depressions, and to construct dams, drain lakes, depressions, draws, and creeks and to install pumps and other equipment necessary to recharge the underground water reservoir or subdivision thereof, but such district shall not engage in the sale or distribution of surface or underground water for any purpose;

(7) to cause to be made by registered professional engineers surveys of the underground water of the underground water reservoir or subdivision thereof and of the facilities for the development, production and use of such underground water, to determine the quantity thereof available for production and use and the improvements, developments, and recharges needed for such underground water reservoir or subdivision thereof;

(8) to develop comprehensive plans for the most efficient use of the underground water of the underground water reservoir or subdivision thereof and for the control and prevention of waste of such underground water, which plans shall specify in such detail as may be practicable the acts, procedure, performance and avoidance which are or may be necessary to effect such plans, including specifications therefor; to carry out research projects, develop information and determine limitations, if any, which should be made on the withdrawal of underground water from the underground water reservoir or subdivision thereof; to collect and preserve information regarding the use of such underground water and the practicability of recharge of the underground water subdivision thereof; to publish such plans and information, bring them to the notice and attention of the users of such underground water within the district, and to encourage their adoption and execution;

(9) to enforce, by injunction, mandatory injunction or other appropriate remedy, in courts of competent jurisdiction, rules and regulations duly adopted and promulgated by such district; provided, that no rule or regulation shall be effective until a brief resume thereof has been published once a week for two consecutive weeks in one or more newspapers to give circulation within the district, and such rule or regulation is to be effective not less than fourteen (14) days after the date of the first publication;

(10) to incur all such indebtedness as may be necessary and requisite to the achievement of the purposes for which the district is created; to issue negotiable bonds for the purposes set forth in Section 2(6) of this Act and levy and collect such ad valorem taxes as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds, the issuance of such bonds and the levy and collection of taxes to be in accordance with the provisions of Chapter 25, Acts, 39th Legislature, Regular Session, 1925 (Chapter 3A, Title 128, Vernon's Texas Civil Statutes), as now or hereafter amended; to levy and collect the ad valorem tax authorized at the election held September 29, 1951, for the maintenance of such district, its installations and activities; to hereafter order elections for the purpose of authorizing the levy and collection of taxes for the maintenance of the district, its installations and activities, such elections to be ordered and held as is provided for elections authorizing the issuance of bonds; provided that in all bond elections and tax elections all persons may vote who are resident, qualified property taxpaying voters of such district whose property has been duly rendered for taxation as provided in Section 3a, Article VI, Constitution of Texas; provided, further, that the aggregate amount of taxes for all purposes may never in any one year exceed fifty cents (50¢) on the One Hundred Dollar (\$100) assessed valuation on property in the district subject to taxation; and provided, further, that the district may have its taxes assessed and collected by the respective county tax assessors and collectors as provided in Chapter 218, Page 348, Acts, Fifty-second Legislature, Regular Session, 1951.

Sec. 3. Except as herein otherwise provided, said district shall be governed by the provisions of Chapter 25, Acts of the Thirty-ninth Legislature of Texas, Regular Session, 1925, as now or hereafter amended (Chapter 3A, Title 128, Vernon's Texas Civil Statutes, as now or hereafter amended, and particularly Section 3c of said Chapter 3A).

Sec. 4. Said district is hereby declared to be established under the provisions of Section 59 of Article 16 of the Constitution of Texas and the adoption of this Act is hereby declared to be necessary to carry out the provisions of said section of the Constitution, and it is hereby found and determined that all land and other property within the limits of the District is benefited by the creation of this district and will be benefited through the carrying out of the purposes for which the District is created, and by the acquisition and construction of the improvements to carry out such purposes.

Sec. 4a. This Act shall not be construed as validating any District or bond proceedings or bonds issued or to be issued, the validity of which has become contested or attacked in any litigation pending at the time this Act becomes effective.

Sec. 5. If any section, sentence, clause, or part of this Act shall, for any reason, be held invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of this Legislature to have passed each sentence, section, clause or part thereof irrespective of the fact that any other sentence, section, clause or part thereof may be declared invalid.

Sec. 6. The fact that it is imperative that this underground water reservoir of the State be protected from waste and pollution creates an emergency and an imperative public necessity that the Constitutional Rule requiring that a bill be read on three separate days in each House be suspended, and that this Act be put to passage on the first reading thereof and, further that this Act take effect immediately upon its passage and the approval by the Governor, and it is so enacted.

Passed the House, January 28, 1953: Yeas 123, Nays 0; House concurred in Senate amendments, February 16, 1953: Yeas 136, Nays 0; passed the Senate, as amended, February 11, 1953: Yeas 29, Nays 0.
Approved Feb. 23, 1953.
Effective Feb. 23, 1953.

CITY-OWNED HOSPITALS—LEASE

CHAPTER 11¹²

H. B. No. 86

An Act authorizing the governing body of any incorporated city or town (including home rule cities) having a population of twenty-five thousand (25,000) inhabitants or less, according to the last preceding Federal Census, to lease any city-owned hospital, or part thereof, to be operated by the lessee as a public hospital under such terms and conditions as may be agreed upon by such governing body and lessee; providing for the authorization and execution of the lease and lease agreement; providing the term to be covered by such lease; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The governing body of any incorporated city or town (including home rule cities) having a population of twenty-five thousand (25,000) inhabitants or less, according to the last preceding Federal Census, is hereby authorized to lease any city-owned hospital, or part thereof, to be operated by the lessee as a public hospital under such terms and conditions as may be agreed upon by such governing body and such lessee. Any such lease shall be authorized by ordinance or resolution adopted by such governing body, and the lease agreement shall be executed, on behalf of the city or town, by the mayor and the city secretary or clerk, and the seal of the city shall be impressed thereon. Such lease may cover any period of time not to exceed fifty (50) years.

Sec. 2. The fact that there are cities in which treatment of the sick and wounded can be satisfactorily accomplished only by the operation of city-owned hospitals by experts and personnel who have received specialized training, especially in the handling of poliomyelitis cases, and that such operation can best be effected by the leasing of such city-owned hospitals, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall become effective immediately from and after its passage, and it is so enacted.

Passed the House, February 5, 1953: Yeas 127, Nays 0, 1 present not voting; passed the Senate, February 12, 1953: Yeas 28, Nays 0.
Approved Feb. 23, 1953.
Effective Feb. 23, 1953.

12. Vernon's Ann.Civ.St. art. 4437c—1.