

**CHAPTER 640**

**H.B. No. 2492**

**AN ACT**

relating to election of directors and validation of acts of the governing board of the Real-Edwards Conservation and Reclamation District.

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

SECTION 1. Section 11, Chapter 341, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-233, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. (a) The government and control of the District shall be vested in a Board of Directors consisting of nine (9) members. *Directors serve staggered four-year terms.* [~~Each of them, with the exception of the original Board of Directors hereinafter provided for, shall hold office for a term of two (2) years.~~

~~[The original Board of Directors shall consist of Jesse Lockhart, of Barksdale, Texas; Neal Jernigan, Sr., of Barksdale, Texas; J. E. Greer, of Camp Wood, Texas; J. E. Robbins, of Camp Wood, Texas; and G. C. Hutcherson, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1960; and Lester Phillips, of Barksdale, Texas; Clarence Vernor, of Barksdale, Texas; J. B. Hutto, of Camp Wood, Texas; and L. M. Webb, of Camp Wood, Texas; whose terms of office shall expire on the first Saturday in September of 1961.]~~

(b) There shall be held in the District on the first Saturday of *May* [~~September~~] in each *even-numbered* year[, ~~beginning with the first Saturday in September of 1960,~~] an election within the District for the selection of Directors to succeed those whose terms expire on said date. Such election shall be held in such voting boxes as are designated by the Board of Directors, and notice of such election shall be given by the Secretary of the Board of Directors by posting in three (3) public places within the District a copy of the order of the Board of Directors directing the time and places of holding the election. No person shall be selected a Director unless he be above the age of twenty-one (21) years and a resident within the territorial limits of the District.

(c) Any vacancy occurring in the membership of the Board of Directors shall be filled by the remaining members of the Board for the unexpired term of such office.

(d) Before entering upon the duties of his office, each member of the Board of Directors shall take the Constitutional oath of office.

SECTION 2. (a) Each resolution, instrument, order, and act or attempted act of the board of directors of the Real-Edwards Conservation and Reclamation District that occurred or was adopted or executed before the date on which this Act takes effect, and any proceeding of the district that took place before the date on which this Act takes effect, is validated in all respects as if it had originally been duly and legally authorized. For the purposes of this Act, "act or attempted act" includes calling and holding elections, canvassing returns, voting for and collecting taxes, issuing notes, bonds, and refunding bonds, and pledging revenue. For the purposes of this Act, "instrument" includes contracts, notes, bonds, and refunding bonds.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

(2) has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 3. (a) The election of the board of directors scheduled before the effective date of this Act to be held in May 1994 shall be held, and the directors elected at that election shall serve two-year terms.

(b) The election of the board of directors scheduled before the effective date of this Act to be held in May 1995 shall be held, and the directors elected at that election shall serve until the directors elected in May 1998 take office.

(c) The directors elected at the elections to be held in May 1996 and May 1998 shall serve four-year terms.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 30, 1993, by a non-record vote; passed by the Senate on May 24, 1993: Yeas 31, Nays 0.

Approved June 12, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.