

BILL ANALYSIS

Senate Research Center

H.B. 2277
By: Counts (Sponsor)
Intergovernmental Relations
4-18-97
Engrossed

DIGEST

The Fisher County Hospital District was created as Chapter 448 of the 63rd Legislature, Regular Session, 1973. During the following regular session, Section 4 of the original Enabling Act was amended at Chapter 3131 of the 64th Legislature, Regular Session, 1975, modifying the manner with which the directors of the Fisher County Hospital District were elected. This bill establishes provisions for the election of the board of directors and amends the duties and responsibilities of these directors.

PURPOSE

As proposed, H.B. 2277 establishes provisions for the election of board of directors of the Fisher County Hospital District and amends the duties and responsibilities of these directors.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of the Fisher County Hospital District in SECTION 3 (Sec. 4(a) and (d), Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to provide that the Fisher County Hospital District (district) has full responsibility for operating hospital facilities and for furnishing medical care and hospital care for the district's needy residents. Authorizes the district to operate or provide for certain services.

SECTION 2. Amends Sections 4(c) and (f), Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to require an election of directors of the district to be held on the first Saturday in May, rather than April, of each year to elect the appropriate number of directors. Requires the notice of the election to be published one time in a newspaper of general circulation in the district at least 35 days before, rather than not more than 45 nor less than 30 days prior to, the date of an election of directors. Requires all directors to be elected at large, except as provided by Section 4A of this Act, and deletes certain provisions which were formerly exceptions to this requirement.

SECTION 3. Amends Chapter 448, by adding Section 4A, Acts of the 63rd Legislature, Regular Session, 1973, as follows:

Sec. 4A. Requires the board of directors of the Fisher County Hospital District (board), by order, to seek input from the residents of the district to determine whether to modify the method of electing the board of directors so that the directors are elected by a certain election methods. Requires the board to establish an advisory committee (committee) and sets forth the composition and duties of the committee. Requires the board to adopt an order changing the method by which the board is elected under certain conditions. Requires a modified election format adopted by the board to be implemented at the next general election for the directors of the district, for which the change can be implemented consistently with the Election Code and federal law.

SECTION 4. Amends Section 5, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973,

to delete a provision authorizing the board to appoint an assistant to the administrator or manager of the hospital district. Deletes a provision requiring the bond executed by administrator or manager, under this subsection, to be set in an amount in no event less than \$5,000. Provides that the cost of the bond is the responsibility of the district. Authorizes the board to delegate to the administrator or manager the authority to employ medical practitioners and to incur reasonable and necessary expenses relating to certain employment practices. Requires the board to be authorized to contract with any municipality, special district, or other political subdivision of the state, or a public or private hospital, private corporation, partnership, or cooperative, rather than incorporated municipality, in a certain location. Provides that this Act does not limit or prohibit the district from providing health care services to any ill or injured person under any circumstances. Defines "health care service."

SECTION 5. Amends Section 6, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to require the proposed budget to contain a complete financial statement of the district that includes certain information. Makes conforming changes.

SECTION 6. Amends Section 7, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to require the board to have the power and authority to issue and sell certain bonds for the acquisition and operation of mobile emergency medical service and for any and all purposes designed to provide, improve, or expand the health care services of the district. Requires the notice of any bond election to be conducted in accordance with the Election Code, rather than the general laws of Texas pertaining to general elections, with exceptions.

SECTION 7. Amends Section 11, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to authorize construction contracts involving the expenditure of more than \$10,000, rather than \$2,000, to be made only after advertising in the manner provided by Chapter 252, Local Government Code, rather than Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, V.T.C.S.). Requires the provision of Chapter 2253, Government Code, rather than Article 5160, 1925, as amended to apply to construction contracts led by the district.

SECTION 8. Amends Section 12, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to require a bank to execute a bond or other security in an amount sufficient to secure from loss the district funds that exceed the amount secured by the Federal Deposit Insurance Corporation in certain situations.

SECTION 9. Amends Section 15, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to require the district to have certain rights and powers relating to eminent domain within the boundaries of the district necessary to the powers, rights, and privileges, conferred by this Act, in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

SECTION 10. Amends Section 16, Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, to delete a provision requiring all taxes of the district to be collected in a certain manner. Provides that the Tax Code governs the appraisal, assessment, and collection of district taxes. Deletes the provisions of proposed Subsection (b) relating to the assessment and collection of county tax values. Authorizes the board to provide for the appointment of a tax assessor-collector for the district or to contract for the assessment and collection of taxes as provided by the Tax Code. Deletes the provisions of Subsection (c) relating to the assessment and collection of taxes by a tax assessor collector.

SECTION 11. Amends Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, by adding Section 17A, as follows:

Sec. 17A. Authorizes the board to borrow money at a certain rate under certain conditions. Authorizes the board to pledge certain items to secure a loan.

SECTION 12. Amends Chapter 448, Acts of the 63rd Legislature, Regular Session, 1973, by adding Section 23A, as follows:

Sec. 23A. Authorizes the district to be dissolved and its assets and liabilities sold or

transferred to another entity or person under certain conditions. Authorizes the board to order an election on the question of dissolving the district and disposing of the district's assets and liabilities. Sets forth provisions for an election under this section. Sets forth requirements for the board relating to dissolution of the district and the sale or transfer of the district's assets and liabilities.

SECTION 13. Effective date: September 1, 1997.

SECTION 14. Emergency clause.