

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2348
By: Seaman (Armbrister)
Intergovernmental Relations
5-2-97
Committee Report (Substituted)

DIGEST

Currently, the Jackson County Hospital District elects members of the board for two year terms. While the administrator of the hospital lacks authority to hire physicians, and cannot provide services outside the boundaries of the district, the district cannot borrow money for its operations, and it lacks bidding procedures. This bill establishes greater flexibility in the operating procedures of the Jackson County Hospital District.

PURPOSE

As proposed, C.S.H.B. 2348 establishes greater flexibility in the operating procedures of the Jackson County Hospital District.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 4(e), Chapter 275, Acts of the 66th Legislature, Regular Session, 1979, to require a candidate for director of the Jackson County Hospital District Board (board) to file a request regarding the printing of the candidate's name on the ballot with the secretary of the board of directors at least 45, rather than 35, days before the election.

SECTION 2. Amends Chapter 275, Acts of the 66th Legislature, Regular Session, 1979, by amending Sections 5 and 9, and adding Sections 4A, 4B, and 8A, as follows:

Sec. 4A. TERMS. Authorizes the board, on its own motion, to order that the members of the board serve staggered three-year or four-year terms. Provides that the members of the board are to be elected if the first election that occurs at least 120 days after the date on which an order under Subsection (a) of this section is entered in an even-numbered year in a certain manner, if the board orders staggered three-year terms. Sets forth the method for elections if the board orders staggered three-year terms, if the first election that occurs at least 120 days after the date on which an order under Subsection (a) of this section is entered is an election in an odd-numbered year meeting certain requirements. Requires the members of the board to be elected in accordance with Section 285.081, Health and Safety Code, if the board orders four-year terms. Prohibits the board from changing the terms again, after an initial change under this section from staggered two-year terms.

Sec. 4B. ELECTIONS. Prohibits a write-in vote from being counted unless the name written in appears on the list of write-in candidates, in a general or special election of directors. Requires a candidate to make a declaration of write-in candidacy to be entitled to a place on the list of write-in candidates. Requires a declaration of write-in candidacy to be filed with the secretary of the board of directors by 5 p.m. of the 45th day before election day. Provides that if a candidate whose name is to appear on the ballot dies or is declared ineligible after the 48th day before election day, a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate may be filed by 5 p.m. of the 42nd day before election day. Provides that Chapter 146B, Election Code, applies to write-in voting in an election of directors except to the extent of a conflict with this section. Provides that Chapter 2C,

Election Code, applies to the election of unopposed candidates for the board of directors.

Sec. 5. POWERS AND DUTIES. Authorizes the board to delegate an administrator to employ certain persons, including doctors. Authorizes the district to provide health care services outside the geographic boundaries of the district provided that the services serve the purposes of the district.

Sec. 8A. INDEBTEDNESS. Authorizes the district to incur indebtedness or borrow money on the credit of the district or secured by any source of revenue, including district taxes to be levied by the district in the next 12-month period, that is not pledged to pay the principal or interest on district bonds. Authorizes the district to incur indebtedness or borrow money in any amount, at an annual rate of interest that does not exceed the maximum annual percentage rate allowed by law for district obligations at the time the loan is made, and on other terms and conditions the district considers advisable.

Sec. 9. DISTRICT PROPERTY. Authorizes contracts for construction involving the expenditure of more than \$10,000 to be made only after advertising in the manner provided by Chapter 271B, Local Government Code. Deletes a provision requiring contracts to be made after advertising in Chapter 163, Article 2368a, V.T.C.S. Requires the provisions of Chapter 2253, Government Code, rather than Article 5160, V.T.C.S., relating to performance and payment bonds to apply to construction contracts let by the district. Prohibits the district from incurring obligations from certain revenues of the district, except as permitted in certain instances and Sections 7, 8, and 8A of this Act. Requires the board to allocate to the hospital transferred to the district funds not to exceed a certain amount, subject to Chapter 104, Health and Safety Code, rather than the Texas Health Planning and Development Act, as amended (Article 4418h, V.T.C.S.).

SECTION 3. Emergency clause.

Effective date: 90 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Redesignates proposed SECTION 1 to SECTION 2. Amends Section 4(e), Chapter 275, Acts of the 66th Legislature, Regular Session, 1979, to require a candidate for director to file a request regarding the printing of the candidate's name on the ballot with the secretary of the board of directors at least 45, rather than 35, days before the election.

SECTION 2.

Redesignates text from SECTION 1. Amends Section 9, Chapter 274, Acts of the 66th Legislature, Regular Session, 1979, to require the board to allocate to the hospital transferred to the district funds not to exceed a certain amount, subject to Chapter 104, Health and Safety Code, rather than the Texas Health Planning and Development Act, as amended (Article 4418h, V.T.C.S.).

SECTION 3.

Redesignates emergency clause from SECTION 2.