

BILL ANALYSIS

Senate Research Center

H.B. 3680
By: Miller (Sibley)
Intergovernmental Relations
5/8/2001
Engrossed

DIGEST AND PURPOSE

Comanche County is currently served by both the DeLeon Hospital District and the Comanche County Hospital District. Under current law, the boards of directors of the two districts are authorized to order an election regarding the dissolution of their respective districts, the creation of the Leon Valley Hospital District, and the transfer of all assets, debts, and obligations of the dissolved districts to the created district. Many of the statutes that would have governed the Leon Valley Hospital District upon its creation have since been updated. H.B. 3680 provides for the dissolution of the two districts and the creation of the Comanche County Consolidated Hospital District subject to voter approval.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1. CHANGES RELATING TO DELEON HOSPITAL DISTRICT

SECTION 1.01. Amends Chapter 202(21A), Acts of the 63rd Legislature, Regular Session, 1973, as follows:

Sec. 21A. New heading: DISSOLUTION OF DISTRICT IN EVENT OF DISSOLUTION OF COMANCHE COUNTY HOSPITAL DISTRICT AND CREATION OF COMANCHE COUNTY CONSOLIDATED HOSPITAL DISTRICT. (b) Authorizes the board of directors to order an election on the question of the dissolution of the DeLeon Hospital District, creation of the Comanche County Consolidated, rather than Leon Valley, Hospital District, transfer of the DeLeon Hospital District's assets and obligations to the Comanche County Consolidated, rather than Leon Valley, Hospital District, and assumption by the Comanche County Consolidated, rather than Leon Valley, Hospital District of the DeLeon Hospital District's outstanding debts.

(f) Makes conforming changes.

(h) Makes conforming changes.

(j) Makes a conforming change.

ARTICLE 2. CHANGES RELATING TO COMANCHE COUNTY HOSPITAL DISTRICT

SECTION 2.01. Amends Chapter 203(21A), Acts of the 63rd Legislature, Regular Session, 1973, as follows:

Sec. 21A. New heading: DISSOLUTION OF DISTRICT IN EVENT OF DISSOLUTION

OF DELEON HOSPITAL DISTRICT AND CREATION OF COMANCHE COUNTY
CONSOLIDATED HOSPITAL DISTRICT. (b) Makes conforming changes.

(f) Makes conforming changes.

(h) Makes conforming changes.

(j) Makes a conforming change.

SECTION 2.02. Amends Chapter 203(1A), Acts of the 63rd Legislature, Regular Session, 1973, to make conforming changes.

ARTICLE 3. CREATION OF COMANCHE COUNTY
CONSOLIDATED HOSPITAL DISTRICT

SECTION 3.01. Amends Chapter 132(3.01), Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 3.01. (a) Provides that in accordance with the provisions of Section 9, Article IX, Texas Constitution, this Act authorizes the creation, establishment, administration, maintenance, operation, and financing of a hospital district in this state with boundaries coextensive with the boundaries of Comanche County, exclusive of that portion of the county that is in the South Eastland County Hospital District. Deletes reference to August 10, 1992. Deletes text regarding commissioners precincts.

(b) Provides that the district is to be known as "Comanche County Consolidated Hospital District," and has the rights, powers, and duties provided in this Act. Provides that a reference in this Act or in any other law to the Leon Valley Hospital District means the Comanche County Consolidated Hospital District. Deletes text regarding Leon Valley.

SECTION 3.02. Amends Chapter 132(3.02), Acts of the 74th Legislature, Regular Session, 1995, as follows:

(a) Makes a conforming change.

(b) Requires the election in the DeLeon Hospital District and the election in the Comanche County Hospital District to be held on the same day and to be held before September 1, 2005, rather than the fifth anniversary of the effective date of this Act.

SECTION 3.03. Amends Chapter 132, Sections 3.03(a) and (c), Acts of the 74th Legislature, Regular Session, 1995, as follows:

(a) Requires certain persons, if the Comanche County Consolidated, rather than Leon Valley, Hospital District is created in accordance with Chapter 202(21A) and Chapter 203(21A), Acts of the 63rd Legislature, Regular Session, 1973, to serve as temporary directors of the Comanche County Consolidated, rather than Leon Valley, Hospital District:

(c) Requires the temporary board to serve as the directors of the Comanche County Consolidated, rather than Leon Valley, Hospital District until the initial elected directors take office.

SECTION 3.04. Amends Chapter 132(3.04), Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 3.04. (a) Requires six initial directors, if the Comanche County Consolidated, rather than Leon Valley, Hospital District is created, to be elected at an election to be held on the first Saturday in May following the date the Comanche County Consolidated, rather than Leon Valley, Hospital District is created.

(b) Authorizes the temporary directors to postpone the election date for one year or until a subsequent uniform election date if the temporary directors determine that there is not sufficient time to comply with the requirements of law or if the temporary directors determine that it is in the best interest of the district to maintain the temporary directors in place for a period of not more than an additional 12 months.

(c) Requires three directors, at the election held to replace the temporary directors, to be elected at large from the area within the boundaries of the Comanche County Hospital District as those boundaries existed on January 1, 2001, and three directors to be elected at large from the area within the boundaries of the DeLeon Hospital District as those boundaries existed on January 1, 2001. Requires the directors elected to serve three-year terms. Deletes text regarding election of director.

(d) Provides that at the initial election of directors following creation of the Comanche County Consolidated, rather than Leon Valley, Hospital District, the three candidates, rather than candidate, receiving the highest number of votes from the area within the boundaries of the Comanche County Hospital District as those boundaries existed on January 1, 2001, and the three candidates receiving the highest number of votes from the area within the boundaries of the DeLeon Hospital District as those boundaries existed on January 1, 2001, are the initial elected directors of the district. Deletes text regarding commissioners precinct.

(e) Requires the directors elected at the initial election of directors following creation of the Comanche County Consolidated, rather than Leon Valley, Hospital District to each serve a term of three years. Deletes text regarding drawing lots. Deletes text regarding terms.

(f) Requires the board, on or before the date the terms of the directors elected at the initial election expire, to determine and adopt a procedure for the election of six new directors either at large or by place. Requires the procedure to provide for appropriate representation of the residents of the district.

SECTION 3.05. Amends Chapter 132, Sections 3.05(a) and (b), Acts of the 74th Legislature, Regular Session, 1995, as follows:

(a) Requires the first directors elected under the procedure adopted under Section 3.04(f) of this Act to be elected at an election held on the first Saturday in May at the end of the three-year terms of the initial elected board of directors. Requires the six directors elected at that election to draw lots to determine which two directors shall serve one-year terms, which two directors shall serve two-year terms, and which two directors shall serve three-year terms. Requires all subsequent elections to be held each year on the first Saturday in May, with two directors being elected, each to a three-year term. Deletes text regarding election of directors. Deletes text regarding successor directors. Makes conforming changes.

(b) Requires notice of each election to be published in a newspaper of general circulation in the district one time, not earlier than the 30th day or later than the 10th day before the date of the election. Deletes text regarding 36 days. Deletes text regarding application.

SECTION 3.06. Amends Chapter 132, Section 3.06, Acts of the 74th Legislature, Regular Session,

1995, as follows:

Sec. 3.06. Prohibits a person from being appointed or elected as a member of the temporary, initial, or permanent board of directors unless the person is a resident of the district and a qualified voter. Deletes text regarding election from a commissioners precinct. Makes a nonsubstantive change.

SECTION 3.07. Amends Chapter 132, Section 3.08(a), Acts of the 74th Legislature, Regular Session, 1995, to make a conforming change.

SECTION 3.08. Amends Chapter 132, Section 3.09(a), Acts of the 74th Legislature, Regular Session, 1995, to require the board of directors to manage, control, and administer the hospital system and the business of and all funds and resources of the district, but prohibits operating, depreciation, or building reserves from being invested in any funds or securities other than those specified in Chapter 2256, Government Code. Deletes text regarding Articles 836 and 837, Revised Statutes.

SECTION 3.09. Amends Chapter 132, Section 3.11(e), Acts of the 74th Legislature, Regular Session, 1995, to require notice of a bond election to be given as provided in Section 1251.003, Government Code, rather than Article 704, Revised Statutes, and to be conducted in accordance with the Election Code, except as modified by the provisions of this Act.

SECTION 3.10. Amends Chapter 132, Sections 3.12(c) and (d), Acts of the 74th Legislature, Regular Session, 1995, as follows:

(c) Requires the bonds, if the refunding bonds are to be sold and the proceeds from the bonds are to be applied to the payment of any outstanding indebtedness, to be issued and payments made in the manner specified by Chapter 1207, Government Code, rather than Chapter 503, Acts of the 54th Legislature, Regular Session, 1955.

(d) Makes a conforming change.

SECTION 3.11. Amends Chapter 132, Section 3.13(a), Acts of the 74th Legislature, Regular Session, 1995, to require bonds issued by the district to meet certain conditions.

ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. Effective date: upon passage or September 1, 2001.