

By: Spiller

H.B. No. 3191

A BILL TO BE ENTITLED

AN ACT

relating to the elections and operations of certain hospital districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 285, Health and Safety Code, is amended by adding Section 285.082 to read as follows:

Sec. 285.082. RESIGNATION OF TERM. (a) A member of the governing board of a hospital district is considered to have resigned the member's position if the member is absent from five or more regularly scheduled board meetings that the member is eligible to attend in any 12-month period without an excuse approved by a majority vote of the board.

(b) A resignation under Subsection (a) is effective on the date of the fifth regularly scheduled board meeting at which the member is absent without an excuse approved by the board.

(c) The validity of an action of the board is not affected by the fact that the action is taken during a period in which a board member is considered to have resigned under Subsection (a).

SECTION 2. Section 286.022(c), Health and Safety Code, is amended to read as follows:

(c) The petition may provide:

(1) the number of directors for the district, which number must be an odd number; ~~and~~

(2) the method by which directors are to be elected,

1 whether at large, by place, or by a combination of both, so that a
2 specific number of directors are elected from each commissioner
3 precinct and a specific number are elected at large; and

4 (3) whether directors will be elected to serve
5 two-year or four-year terms.

6 SECTION 3. Section 286.025(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) The commissioners court shall give notice of the
9 election by publishing a substantial copy of the election order in a
10 newspaper with general circulation in the proposed district in
11 accordance with Section 4.003, Election Code [~~once a week for two~~
12 ~~consecutive weeks~~].

13 SECTION 4. Section 286.041, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 286.041. BOARD OF DIRECTORS. The directors shall be
16 elected at large, by place, or by a combination of both, in
17 accordance with the petition prescribed by Section 286.021.

18 SECTION 5. Section 286.042, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 286.042. DIRECTOR'S ELECTION. (a) The initial
21 directors shall be elected at an election to be held on the uniform
22 election date [~~first Saturday~~] in May following the creation of the
23 district.

24 (b) If the directors are elected at large for two-year
25 terms:

26 (1) the appropriate number of candidates receiving the
27 highest number of votes at the initial election of directors are

1 directors for the district;

2 (2) the number of directors equal to a majority of the
3 directors who receive the highest number of votes at the initial
4 election serve for a term of two years; and

5 (3) the remaining directors serve for a term of one
6 year.

7 (c) If the directors are elected by place for two-year
8 terms:

9 (1) the candidate for a place receiving the highest
10 number of votes for election to that place is a director for the
11 district;

12 (2) a director elected to fill an even-numbered place
13 at the initial election serves for a term of one year; and

14 (3) a director elected to fill an odd-numbered place
15 at the initial election serves for a term of two years.

16 (d) If the directors are elected from commissioners
17 precincts and at large for two-year terms:

18 (1) the number of candidates equal to the number of
19 directors to be elected from each precinct who receive the highest
20 number of votes from a commissioner precinct are directors for that
21 precinct;

22 (2) the number of candidates equal to the number of
23 directors to be elected at large who receive the highest number of
24 votes from the district at large are directors for the district at
25 large;

26 (3) a candidate elected from an odd-numbered precinct
27 at the initial election serves for a term of two years;

1 (4) a candidate elected from an even-numbered precinct
2 at the initial election serves for a term of one year;

3 (5) a candidate elected as the director from the
4 district at large at the initial election serves for a term of two
5 years; and

6 (6) if more than one director is elected at large, half
7 of the directors elected serve two-year terms, and the other half
8 serve one-year terms.

9 (d-1) If the directors are elected at large for four-year
10 terms:

11 (1) the appropriate number of candidates receiving the
12 highest number of votes at the initial election of directors are
13 directors for the district;

14 (2) the number of directors equal to a majority of the
15 directors who receive the highest number of votes at the initial
16 election serve for a term of three years if elected in an
17 odd-numbered year or four years if elected in an even-numbered
18 year; and

19 (3) the remaining directors serve for a term of one
20 year if elected in an odd-numbered year or two years if elected in
21 an even-numbered year.

22 (d-2) If the directors are elected by place for four-year
23 terms:

24 (1) the candidate for a place receiving the highest
25 number of votes for election to that place is a director for the
26 district;

27 (2) a director elected to fill an even-numbered place

1 at the initial election serves for a term of one year if elected in
2 an odd-numbered year or two years if elected in an even-numbered
3 year; and

4 (3) a director elected to fill an odd-numbered place
5 at the initial election serves for a term of three years if elected
6 in an odd-numbered year or four years if elected in an even-numbered
7 year.

8 (d-3) If the directors are elected from commissioners
9 precincts and at large for four-year terms:

10 (1) the number of candidates equal to the number of
11 directors to be elected from each precinct who receive the highest
12 number of votes from a commissioner precinct are directors for that
13 precinct;

14 (2) the number of candidates equal to the number of
15 directors to be elected at large who receive the highest number of
16 votes from the district at large are directors for the district at
17 large;

18 (3) a candidate elected from an odd-numbered precinct
19 at the initial election serves for a term of three years if elected
20 in an odd-numbered year or four years if elected in an even-numbered
21 year;

22 (4) a candidate elected from an even-numbered precinct
23 at the initial election serves for a term of one year if elected in
24 an odd-numbered year or two years if elected in an even-numbered
25 year;

26 (5) a candidate elected as the director from the
27 district at large at the initial election serves for a term of three

1 years if elected in an odd-numbered year or four years if elected in
2 an even-numbered year; and

3 (6) if more than one director is elected at large, half
4 of the directors elected at large serve for a term described by
5 Subdivision (4) for a candidate elected from an even-numbered
6 precinct, and the other half serve for a term described by
7 Subdivision (3) for a candidate elected from an odd-numbered
8 precinct.

9 (e) After the initial election of directors, an election
10 shall be held on the uniform election date [~~first Saturday~~] in May
11 of each year or every other year, as applicable, to elect the
12 appropriate number of successor directors for two-year terms or
13 four-year terms as specified in the petition to create the
14 district.

15 SECTION 6. Section 286.043, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 286.043. NOTICE OF ELECTION. Notice [~~Before the 35th~~
18 ~~day before the date of an election of directors, notice~~] of an [~~the~~]
19 election shall be published [~~one time~~] in a newspaper with general
20 circulation in the district in accordance with Section 4.003,
21 Election Code.

22 SECTION 7. The heading to Section 286.044, Health and
23 Safety Code, is amended to read as follows:

24 Sec. 286.044. APPLICATION FOR PLACE ON BALLOT [~~PETITION~~].

25 SECTION 8. Section 286.044(a), Health and Safety Code, is
26 amended to read as follows:

27 (a) A person who wishes to have the person's name printed on

1 the ballot as a candidate for director must file an application with
2 the secretary of the board in accordance with Chapter 144, Election
3 Code.

4 SECTION 9. Section 286.053, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 286.053. APPOINTMENTS TO STAFF. The board may:

7 (1) appoint to the staff any health care practitioners
8 [~~doctors~~] the board considers necessary for the efficient operation
9 of the district; and

10 (2) grant clinical privileges on a [make] temporary or
11 emergency basis as [appointments] the board considers necessary.

12 SECTION 10. Section 286.078(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) The board may enter into a public work contract as
15 authorized under Chapter 2269, Government Code [~~construction~~
16 ~~contracts that involve spending more than \$10,000 only after~~
17 ~~competitive bidding as provided by Subchapter B, Chapter 271, Local~~
18 ~~Government Code~~].

19 SECTION 11. Section 286.101(f), Health and Safety Code, is
20 amended to read as follows:

21 (f) [~~The election shall be held after the 45th day and on or~~
22 ~~before the 60th day after the date the election is ordered.~~] The
23 election shall be ordered and notice of the election shall be given
24 in the same manner as provided by Sections 286.024 and 286.025 for
25 ordering and giving notice of an election authorizing creation of
26 the district. Section 41.001(a), Election Code, does not apply to
27 an election held under this section.

1 SECTION 12. Section 286.102(c), Health and Safety Code, is
2 amended to read as follows:

3 (c) ~~[The election shall be held not later than the 60th day~~
4 ~~after the date the election is ordered.]~~ Section 41.001(a),
5 Election Code, does not apply to an election ordered under this
6 section.

7 SECTION 13. Section 286.129, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 286.129. SPENDING AND INVESTMENT LIMITATIONS. (a)
10 Except as provided by Sections ~~[Section]~~ 286.078(a), ~~[and by~~
11 ~~Sections]~~ 286.141, 286.144, and 286.145, and Chapter 315, the
12 district may not incur a debt payable from revenues of the district
13 other than the revenues on hand or to be on hand in the current and
14 immediately following fiscal year of the district.

15 (b) The board may invest operating, depreciation, or
16 building reserves only in investments authorized under Chapter
17 2256, Government Code [+

18 ~~[(1) bonds of the United States,~~

19 ~~[(2) certificates of indebtedness issued by the United~~
20 ~~States secretary of the treasury,~~

21 ~~[(3) bonds of this state or a county, municipality, or~~
22 ~~school district of this state, or~~

23 ~~[(4) shares or share accounts of savings and loan~~
24 ~~associations organized under the laws of this state or federal~~
25 ~~savings and loan associations domiciled in this state, if the~~
26 ~~shares or share accounts are insured by the Federal Deposit~~
27 ~~Insurance Corporation].~~

1 SECTION 14. Section 1070.111, Special District Local Laws
2 Code, is amended to read as follows:

3 Sec. 1070.111. CONSTRUCTION CONTRACTS. A construction
4 contract that involves the expenditure of more than \$10,000 may be
5 made only after advertising in the manner provided by Chapter 252,
6 Local Government Code, or Subchapter B, Chapter 271, Local
7 Government Code [~~, or Section 286.078, Health and Safety Code~~].

8 SECTION 15. The following provisions of the Health and
9 Safety Code are repealed:

- 10 (1) Section 286.023(g);
11 (2) Section 286.025(b); and
12 (3) Section 286.044(b).

13 SECTION 16. This Act takes effect September 1, 2023.