

By: Duncan

S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to the Schleicher County Hospital District.

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

SECTION 1. Section 1, Chapter 38, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

Sec. 1. In accordance with the provisions of Section 9, Article IX, Constitution of the State of Texas, this Act shall be operative so as to authorize the creation, establishment, maintenance and operation of a hospital district within the State of Texas, such district to have boundaries coextensive with the boundaries of Schleicher County; and said district shall have the powers and responsibilities provided by the aforesaid constitutional provision. On approval of the board of directors, the district may provide primary care, emergency services, preventive medical services, and other health-related services outside the boundaries of the district if the services provided serve the purpose of the district.

SECTION 2. Section 3, Chapter 38, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

Sec. 3. (a) Except as provided by Section 3A of this Act, the board of directors consists of seven directors elected from the district at large who serve staggered two-year terms. A director shall continue to serve until a ~~[Within 10 days after such election is held, the Commissioners Court of Schleicher County shall convene~~

1 ~~and canvass the returns of the election, and if a majority of the~~
2 ~~persons voting at the election vote against the creation of the~~
3 ~~district, this does not prevent the holding of other elections for~~
4 ~~the same purpose, and if a majority of the legally qualified~~
5 ~~property taxpaying electors voting at said election voted in favor~~
6 ~~of the proposition, the court shall so find and declare the hospital~~
7 ~~district established and created and appoint seven persons as~~
8 ~~directors of the hospital district to serve until the first~~
9 ~~Saturday in April 1968, at which time seven directors shall be~~
10 ~~elected. The four directors receiving the highest vote at such~~
11 ~~first election shall serve for two years, the other three directors~~
12 ~~shall serve for one year. Thereafter, all directors shall serve for~~
13 ~~a period of two years and until their]~~ successor has been duly
14 elected or appointed and qualified. No person shall be appointed or
15 elected as a member of the board of directors of said hospital
16 district unless he is a resident thereof [~~and owns property subject~~
17 ~~to taxation therein]~~ and unless at the time of such election or
18 appointment he shall be more than 21 years of age. Each member of
19 the board of directors shall qualify by executing the
20 constitutional oath of office and shall execute a good and
21 sufficient bond for \$1,000 payable to said district conditioned
22 upon the faithful performance of his duties, and such oaths and
23 bonds shall be deposited with the depository bank of the district
24 for safekeeping.

25 (b) The board of directors shall organize by electing one of
26 their number as president and one of their number as secretary. A
27 majority [~~Any four members~~] of the board of directors shall

1 constitute a quorum and a concurrence of a majority [~~four~~] shall be
2 sufficient in all matters pertaining to the business of the
3 district. A meeting of the board of directors may be called by the
4 president or a majority of the [~~any four~~] directors. Notice of the
5 time and place of any meeting must be given to all the directors not
6 less than seven days prior to the time of the meeting. Nothing
7 herein shall prevent the board of directors from establishing by
8 resolution a regular time and place for meetings, for which no
9 special notice need be given. All vacancies in the office of
10 director shall be filled for the unexpired term by appointment of
11 the remainder of the board of directors. In the event the number of
12 directors shall be reduced to less than four for any reason, the
13 remaining directors shall immediately call a special election to
14 fill said vacancies, and upon failure to do so a district court may,
15 upon application of any voter or taxpayer of the district, issue a
16 mandate requiring that such election be ordered by the remaining
17 directors.

18 (c) A regular election of directors shall be held on a date
19 authorized by Chapter 41, Election Code, [~~on the first Saturday in~~
20 ~~April of each year~~] and notice of such election shall be published
21 in a newspaper of general circulation in the county one time at
22 least 10 days prior to the date of the election. Any person
23 desiring his name to be printed on the ballot as a candidate for
24 director shall file a petition, signed by not less than 10 legally
25 qualified voters asking that such name be printed on the ballot,
26 with the secretary of the board of directors of the district. The
27 petition and an application for a place on the ballot that meets the

1 requirements of the Election Code must be filed in the manner
2 provided by Chapter 144, Election Code. [~~Such petition shall be~~
3 ~~filed with such secretary at least 25 days prior to the date of~~
4 ~~election.~~]

5 SECTION 3. Chapter 38, Acts of the 60th Legislature,
6 Regular Session, 1967, is amended by adding Section 3A to read as
7 follows:

8 Sec. 3A. (a) The board of directors may adopt an order
9 providing for the election of directors from five single-member
10 districts.

11 (b) If the board adopts an order under Subsection (a) of
12 this section, the board shall create a plan that provides for five
13 numbered single-member districts for the election of directors.
14 Each election district elects one member. The election districts
15 may be coextensive with single-member districts used to elect
16 members of the governing body of a school district if the territory
17 of the school district is coextensive with the territory of the
18 hospital district and the school district elects five members from
19 single-member districts.

20 (c) Except as provided by Subsection (e) of this section, to
21 be eligible to be a candidate or to serve as director, a person must
22 be a resident of the election district that the person represents or
23 seeks to represent.

24 (d) A person shall indicate on the application for a place
25 on the ballot the election district that the person seeks to
26 represent.

27 (e) The directors may revise election district boundaries

1 as necessary and shall revise the boundaries of each election
2 district after each federal decennial census to reflect population
3 changes. Except as provided by Subsection (f) of this section, when
4 the boundaries of an election district are redrawn, a director in
5 office on the effective date of the change, or elected or appointed
6 before the effective date of the change to a term of office
7 beginning on or after the effective date of the change, shall serve
8 the term or the remainder of the term in the election district to
9 which elected or appointed even though the change in boundaries
10 places the person's residence outside the election district for
11 which the person was elected or appointed.

12 (f) At the first election for directors that occurs
13 following the adoption of an order under Subsection (a) of this
14 section, all five positions on the board shall be filled. After the
15 canvass of the returns of the election, the terms of all members
16 serving on the board at the time of the election expire. At the
17 first meeting of the directors elected to the board under this
18 section, the directors shall draw lots to determine which three
19 shall serve terms lasting two years and which two shall serve terms
20 lasting one year. After the terms of directors initially elected to
21 the board under this section expire, each director serves a term of
22 two years.

23 SECTION 4. Section 5(a), Chapter 38, Acts of the 60th
24 Legislature, Regular Session, 1967, is amended to read as follows:

25 (a) Upon the creation of such hospital district, the board
26 of directors shall have the power and authority and it shall be
27 their duty to levy on all property subject to hospital district

1 taxation for the benefit of the district at the same time taxes are
2 levied for county purposes, using the county values and the county
3 tax rolls, a tax of not to exceed 75 cents on the \$100 valuation of
4 all taxable property within the hospital district, for the purpose
5 of: (1) paying the interest on and creating a sinking fund for
6 bonds which may be issued by the hospital district for hospital
7 purposes as herein provided; (2) providing for the operation and
8 maintenance of the hospital, ~~or~~ hospital system, or related
9 facilities; and (3) for the purpose of making further improvements
10 and additions to the hospital system, and for the acquisition of
11 necessary sites therefor, by purchase, lease, or condemnation.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.