By:  Springer (Senate Sponsor - Fallon) H.B. No. 886

(In the Senate - Received from the House April 15, 2019; April 16, 2019, read first time and referred to Committee on Intergovernmental Relations; May 9, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 9, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to the Muenster Hospital District.

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

SECTION 1.  Section 1067.051(a), Special District Local Laws Code, is amended to read as follows:

(a)  The district consists of seven [~~nine~~] elected directors.

SECTION 2.  Sections 1067.055(a), (b), (d), and (e), Special District Local Laws Code, are amended to read as follows:

(a)  The board shall elect one of the directors as [~~a~~] president and one director as vice president-secretary [~~a vice president from among its members~~].

(b)  The vice president-secretary [~~board~~] shall act as [~~appoint~~] a secretary of the board [~~, who need not be a director~~].

(d)  The president [~~is the chief executive officer of the district and~~] has the same right to vote as any other director.

(e)  If the president is absent or fails and declines to act, the vice president-secretary [~~vice president~~] shall perform the president's duties and exercise the president's powers under this chapter.

SECTION 3.  The heading to Section 1067.057, Special District Local Laws Code, is amended to read as follows:

Sec. 1067.057.  CHIEF EXECUTIVE OFFICER [~~DISTRICT ADMINISTRATOR~~]; ASSISTANT TO CHIEF EXECUTIVE OFFICER [~~ADMINISTRATOR~~].

SECTION 4.  Sections 1067.057(a), (b), (c), and (d), Special District Local Laws Code, are amended to read as follows:

(a)  The board shall appoint a qualified person to be known as the chief executive officer of the district [~~administrator~~].

(b)  The board may appoint an assistant to the chief executive officer [~~administrator~~].

(c)  The chief executive officer [~~district administrator~~] and any assistant to the chief executive officer [~~administrator~~] serve at the will of the board and are entitled to the compensation determined by the board.

(d)  The board may require the chief executive officer [~~district administrator~~], before assuming the chief executive officer's [~~administrator's~~] duties, to execute a bond payable to the district in an amount set by the board of not less than $5,000 that:

(1)  is conditioned on the faithful performance of the chief executive officer's [~~administrator's~~] duties; and

(2)  contains other conditions the board may require.

SECTION 5.  Section 1067.058, Special District Local Laws Code, is amended to read as follows:

Sec. 1067.058.  GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER [~~DISTRICT ADMINISTRATOR~~]. Subject to the limitations prescribed by the board, the chief executive officer [~~district administrator~~] shall:

(1)  supervise the work and activities of the hospital; and

(2)  direct the affairs of the district.

SECTION 6.  Sections 1067.059(a) and (b), Special District Local Laws Code, are amended to read as follows:

(a)  The board, with the chief executive officer [~~district administrator~~], may appoint to the staff any doctors the board considers necessary for the efficient operation of the district.

(b)  The board may employ technicians, nurses, and other employees as considered necessary for the efficient operation of the hospital or may provide that the chief executive officer [~~district administrator~~] has the authority to admit or employ those persons.

SECTION 7.  Sections 1067.111(a), (b), (c), (d), and (e), Special District Local Laws Code, are amended to read as follows:

(a)  When an indigent patient who resides in the district is admitted to a district facility or a person who does not reside in the district is admitted as an emergency patient to a district facility, the chief executive officer [~~district administrator~~] shall have an inquiry made into the circumstances of:

(1)  the patient; and

(2)  the patient's relatives who are legally liable for the patient's support.

(b)  If the chief executive officer [~~district administrator~~] determines that the patient or those relatives cannot pay all or part of the costs of the care and treatment in the hospital, the amount of the costs that cannot be paid becomes a charge against the district as care for indigents.

(c)  If the chief executive officer [~~district administrator~~] determines that the patient or those relatives can pay for all or part of the costs of the patient's care and treatment, the patient or those relatives shall be ordered to pay the district a specified amount each week for the patient's support. The amount ordered must be proportionate to the person's financial ability and may not exceed the actual per capita cost of maintenance.

(d)  The chief executive officer [~~district administrator~~] may collect the amount from the patient's estate, or from any relative who is legally liable for the patient's support, in the manner provided by law for the collection of expenses of the last illness of a deceased person.

(e)  If there is a dispute as to the ability to pay, or doubt in the mind of the chief executive officer [~~district administrator~~], the board shall hold a hearing and, after calling witnesses, shall:

(1)  resolve the dispute or doubt; and

(2)  issue any appropriate orders.

SECTION 8.  Section 1067.152(b), Special District Local Laws Code, is amended to read as follows:

(b)  The board shall adopt a budget by acting on the budget proposed by the chief executive officer [~~district administrator~~].

SECTION 9.  Section 1067.205(b), Special District Local Laws Code, is amended to read as follows:

(b)  The vice president-secretary [~~board secretary~~] shall attest the bonds as provided by Chapter 618, Government Code.

SECTION 10.  Sections 1067.307(b) and (c), Special District Local Laws Code, are amended to read as follows:

(b)  On the payment of all outstanding debts and obligations of the district, the board shall order the vice president-secretary [~~secretary~~] to return to each district taxpayer the taxpayer's pro rata share of all unused tax money.

(c)  A taxpayer may request that the taxpayer's share of surplus tax money be credited to the taxpayer's county taxes. If a taxpayer requests the credit, the board shall direct the vice president-secretary [~~secretary~~] to transmit the money to the county tax assessor-collector.

SECTION 11.  (a)  The election of the board of directors of the Muenster Hospital District scheduled to be held in May 2020 must be held. One director shall be elected at that election and shall serve a three-year term.

(b)  The election of the board of directors of the Muenster Hospital District scheduled to be held in May 2021 must be held, and three directors shall be elected at that election. The directors elected at that election shall draw lots to determine which two directors serve three-year terms and which director serves a two-year term.

(c)  The election of the board of directors of the Muenster Hospital District scheduled to be held in May 2022 must be held, and the three directors elected at that election shall serve three-year terms.

(d)  The directors of the Muenster Hospital District elected at the elections scheduled to be held in May 2023, May 2024, and May 2025 shall serve three-year terms.

SECTION 12.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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