

CHAPTER 737

H.B. No. 1002

AN ACT

relating to the authority of a county to acquire property for hospital purposes outside the county.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 4478, Revised Statutes, is amended to read as follows:

Art. 4478. **AUTHORITY.** (a) The commissioners court of any county shall have power to establish a county hospital and any medical or other health facilities and to enlarge any existing hospitals or facilities for the care and treatment of persons suffering from any illness, disease or injury, subject to the provisions of this chapter. At intervals of not less than twelve months, ten per cent of the qualified property tax paying voters of a county may petition such court to provide for the establishing or enlarging of a county hospital, or any medical or other health facilities, in which event said court within the time designated in such petition shall submit to such voters at a special or regular election the proposition of issuing bonds in such aggregate amount as may be designated in said petition for the establishing or enlarging of such hospital or facilities. Whenever any such proposition shall receive a majority of the votes of the qualified property tax payers voting at such election, said commissioners court shall establish and maintain such hospital or facilities and shall have the following powers:

1. To purchase and lease real property therefor, or acquire such real property, and easements therein, by condemnation proceedings.

2. To purchase or erect all necessary buildings, make all necessary improvements and repairs and alter any existing buildings, for the use of said hospital or facilities. The plans for such erection, alteration, or repair shall first be approved by the State Health Officer, if his approval is requested by the said commissioners court.

3. To cause to be assessed, levied and collected, such taxes upon the real and personal property owned in the county as it shall deem necessary to provide the funds for the maintenance thereof, and for all other necessary expenditures therefor.

4. To issue county bonds to provide funds for the establishing, enlarging and equipping of said hospital or facilities and for all other necessary permanent improvements in connection therewith; to do all other things that may be required by law in order to render said bonds valid.

5. To appoint a board of managers for said hospital or facilities, or both.

6. To accept and hold in trust for the county, any grant or devise of land, or any gift or bequest of money or other personal property or any donation to be applied, principal or income or both, for the benefit of said hospital or facilities, and apply the same in accordance with the terms of the gift.

7. The Commissioners Court may sell or lease all or part of any medical facility so constructed, purchased or acquired under this Act.

8. The Commissioners Court of any county may close by order on terms it considers reasonable any medical facility constructed, purchased, or acquired under this Act, and this order shall be final thirty days after promulgation unless at least ten per cent of the qualified electors in the county petition the Commissioners Court within the thirty days requesting that an election be held in the county to determine whether or not the medical facility should be closed. On proper petition, the Commissioners Court shall set a time for an election and shall submit to the qualified electors of the county ballots providing for voting for or against the proposition: "The closing of (Name of medical facility to be closed)."

(b) *In order to accomplish any purpose authorized in this chapter the Commissioners Court may purchase or lease real or personal property or both in the county. If considered necessary for hospital purposes the Commissioners Court may purchase or lease real or personal property or both in an adjacent or adjoining county and operate same for the care and treatment of persons suffering from any illness, disease or injury, subject to the provisions of this chapter. Nothing herein shall be construed to grant the Commissioners Court the power to acquire such real property in an adjacent or adjoining county by condemnation proceedings. However, this subsection does not affect the authority of the Commissioners Court to acquire real property and easements in its own county by condemnation proceedings.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 2, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1002 on May 18, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 14, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.