

CHAPTER 911

H.B. No. 2123

AN ACT

relating to the board of directors of the Midland County Hospital District.

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

SECTION 1. Sections 5(a)-(f), Chapter 112, Acts of the 65th Legislature, Regular Session, 1977, are amended to read as follows:

Sec. 5. (a) *The district is governed by a seven-member board of directors elected from the district at large. However, the board, on its own motion, may order that the directors are to be elected from single-member districts or that not fewer than 50 percent of the directors are to be elected from single-member districts with the remaining directors to be elected from the district at large. Before entering the order, the board must:*

(1) *hold a public hearing at which registered voters of the district are given an opportunity to comment on whether or not they favor the election of directors in the manner proposed by the board; and*

(2) *publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the day of the hearing. [On the effective date of this Act, the following persons shall constitute the temporary directors of the district:*

[1. ~~Frank Cowden, Jr.~~

[2. ~~Wm. P. Franklin~~

[3. ~~Robert L. Pendleton~~

[4. ~~L. Decker Dawson~~

[5. ~~Edwin H. Magruder, Jr.]~~

(b) *An order of the board adopted under Subsection (a) of this section must be entered not later than the 120th day before the day of the first election at which all or some of the directors are elected from single-member districts. If the board orders that all or some of the directors shall be elected from single-member districts, the board shall divide the hospital district into the appropriate number of single-member districts, based on the number of directors that are to be elected from the districts, and shall number each district. The single-member districts must be compact and contiguous and must be as nearly as practicable of equal population according to the most recent federal census. Districts must be drawn not later than the 90th day before the day of the first election of directors from single-member districts. Residents of each single-member district are entitled to elect one director to the board. A director elected to represent a single-member district at the first election of directors must be a resident of the district he represents. Not later than the 90th day before the day of the first regular election at which directors may officially recognize and act on the most recent federal census, the board shall redivide the district into the appropriate number of single-member districts if the census data indicates that the population of the most populous single-member district exceeds the population of the least populous district by more than 10 percent. Redivision of the district shall be in the manner provided for division of the district under this subsection. If the hospital district adopts a redistricting plan under this subsection, the board may provide in the plan for the directors then in office to serve at large for the remainder of their terms. The single-member district and at-large positions provided by the district's plan shall be filled as the staggered terms of incumbent directors expire. Not later than the 90th day before the first election from single-member districts, the board shall determine by lot the order in which the positions will be filled [Each of the directors shall execute the constitutional oath of office within 60 days of the effective date of this Act. Should any of the named directors refuse to act or for any reason fail to qualify as required, the remaining temporary directors shall by majority vote appoint a*

~~successor or successors to fill the vacancy. The terms of the first and second named directors shall expire on the first Saturday in April of the year following the election creating the district, and the terms of the third, fourth, and fifth named directors shall expire on the first Saturday in April of the second year following the election creating the district. Successors shall be elected by a vote of the electors of the entire district for two-year terms].~~

(c) ~~[When the creation of the district is approved and the returns of the election are officially canvassed, the persons acting as temporary directors become permanent directors whose terms expire as provided in Subsection (b) of this section.]~~ Each [perma-~~nent~~] director and his successor in office shall qualify by executing the constitutional oath of office.

(d) No person may be appointed or elected as a member of the board of directors of the hospital district unless he is a resident thereof ~~[and owns property subject to taxation therein]~~ and unless at the time of such election or appointment he shall be more than 18 years of age. *In addition, a person who is elected from a single-member district or who is appointed to fill a vacancy from a single-member district must be a resident of that district.*

(e) The board of directors shall organize by electing one of their number as president, one of their number as vice-president, and a secretary who need not be a director. Officers are elected for a term of one year, and vacancies shall be filled for the unexpired term by vote of the board. Any *four* ~~[three]~~ members of the board of directors constitute a quorum, and a concurrence of *four* ~~[three]~~ is sufficient in all matters pertaining to the business of the district. All vacancies in the office of director shall be filled for the unexpired term by appointment by the remainder of the board of directors. If the number of directors is reduced to less than *four* ~~[three]~~, the remaining directors shall immediately call a special election to fill the vacancies, and upon their failure to do so, the district court, on application of any elector or taxpayer of the district, shall order the election.

(f) A regular election of directors shall be held on the *third* ~~[first]~~ Saturday in *May* ~~[April]~~ of each year, and notice of the election shall be published in a newspaper of general circulation in the county one time at least 10 days prior to the date of election. Any person desiring his name to be printed on the ballot as a candidate for director shall file an application with the secretary of the board requesting that his name be printed on the ballot. The application must be filed *not later than 5 p.m. of the 45th day* ~~[at least 30 days]~~ before the date of the election.

SECTION 2. (a) This Act does not affect the term of office for which a member of the board of directors of the Midland County Hospital District who is serving on the effective date of this Act was elected.

(b) On the effective date of this Act, the board of directors shall appoint two additional persons to serve on the board until the directors elected on May 21, 1988, qualify for office.

(c) The appropriate number of directors shall be elected at the regular directors' election held on May 21, 1988, so that the Midland County Hospital District will have an elected seven-member board of directors. Before the election, the board shall determine which of the two additional directors will serve a one-year term and which will serve a two-year term, so that three directors are elected one year and four directors are elected the next year. However, the board may elect to have the additional directors draw lots after the election to determine each director's term.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. 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.

Passed by the House on May 12, 1987, by a non-record vote. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Sept. 1, 1987.