

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 3. HEALTH
SUBTITLE A. HOSPITAL DISTRICTS
CHAPTER 1047. JASPER HOSPITAL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1047.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Jasper Hospital District.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.002. AUTHORITY FOR CREATION; JUDICIAL NOTICE.

(a) The district is created under Section 9, Article IX, Texas Constitution, and this chapter.

(b) A court shall take judicial notice of the district's establishment.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.003. NATURE OF DISTRICT. The district is a governmental agency.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.004. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of County Commissioners Precincts 1 and 2 of Jasper County, as those boundaries existed on April 12, 1963.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 1047.051. BOARD ELECTION; TERM. (a) The board consists of nine directors elected from the district at large.

(b) Unless four-year terms are established under Section [285.081](#), Health and Safety Code, directors serve two-year terms, with:

- (1) four directors elected in even-numbered years; and
- (2) five directors elected in odd-numbered years.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.052. QUALIFICATIONS FOR OFFICE. A person may not be elected or appointed as a director unless the person:

- (1) is a district resident;
- (2) owns land in the district subject to taxation; and
- (3) is at least 18 years of age at the time of the election.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.053. OATH; BOND; RECORD OF BOND AND OATH. (a) Before undertaking any official duties, each director must take an oath to faithfully discharge the duties of office without favor or partiality.

(b) Each director shall give a good and sufficient bond for \$1,000 that is:

- (1) payable to the district; and
- (2) conditioned on the faithful performance of the director's duties.

(c) Each director's oath shall be filed with the district secretary.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.054. BOARD VACANCY; SPECIAL ELECTION. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a director for the unexpired term.

(b) If the number of directors is reduced to fewer than six,

the remaining directors shall call a special election to fill the vacancies. If the directors do not call the election within 15 days after the vacancies occur, the county judge of Jasper County, on petition of a county voter or creditor, shall:

- (1) order a special election;
- (2) set the election date;
- (3) order a county sheriff to publish notice of the election; and
- (4) name the officers to hold the election.

(c) For an election ordered by the county judge:

- (1) the election returns shall be made to and filed with the county clerk's office; and
- (2) the county clerk shall declare the results.

(d) Officers elected under this section shall furnish bond and qualify in the same manner as a director elected in a general election under this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.055. OFFICERS. (a) The board shall elect from among its members a president and a secretary.

(b) Each officer of the board serves until the next directors' election.

(c) The board shall fill a vacancy in a board office for the unexpired term by appointment.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.056. REMOVAL FROM OFFICE. A director may be removed from office in the same manner and for the same causes as county officers under state law.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.057. COMPENSATION; EXPENSES. A director serves without compensation but shall be reimbursed for actual expenses incurred in the performance of the director's duties under this

chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.058. MEETINGS. (a) The board shall:

- (1) meet at least once a month; and
- (2) hold special meetings as the board considers necessary.

(b) A taxpayer, resident, or interested party:

- (1) may attend a board meeting but may not participate in a meeting without the consent of the board; and
- (2) may present any matter to the board in an orderly manner.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.059. VOTING REQUIREMENT. A concurrence of five directors is sufficient in any matter relating to district business.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.060. MAINTENANCE OF RECORDS. (a) The board shall:

- (1) keep an account of all board meetings and proceedings; and

- (2) maintain in a safe place all district records and accounts, including all contracts, notices, duplicate vouchers, and duplicate receipts.

(b) The information described by Subsection (a) shall be delivered to the board's successors in office.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.061. EMPLOYEES. The board:

- (1) may employ a general manager or administrator, an attorney, a bookkeeper, and an architect; and

(2) shall employ all other employees necessary for the proper handling and operation of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 1047.101. GENERAL POWERS. (a) The board has full management and control of all district business. The board may negotiate and contract with any person to purchase or lease land, to construct and equip a hospital system, and to operate and maintain the hospital.

(b) The district has the powers of government and the authority to exercise the rights, privileges, and functions concerning the purposes for which the district was created that are conferred by this chapter and any other law in this state from which the district is entitled to benefit.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.102. HOSPITAL SYSTEM. The district may contract for the purchase of land, for the hospital system, and for the construction of the hospital.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property, real, personal, or mixed, located in district territory if the interest is necessary or convenient for the district to exercise a right, power, privilege, or function conferred on the district by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter [21](#), Property Code, except the district is not required to deposit in the trial court money or a bond as provided by Section [21.021](#)(a), Property Code.

(c) In a condemnation proceeding brought by the district,

the district is not required to:

- (1) pay in advance or provide a bond or other security for costs in the trial court;
- (2) provide a bond for the issuance of a temporary restraining order or a temporary injunction; or
- (3) provide a bond for costs or a supersedeas bond on an appeal or writ of error.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.104. GIFTS AND ENDOWMENTS. The board may accept for the district a gift or endowment to be held in trust by the board for the purposes and under the directions, limitations, or other provisions prescribed in writing by the donor that are not inconsistent with the proper management and objectives of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.105. CONTRACT IN NAME OF DISTRICT. The district shall contract in the name of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.106. CONSTRUCTION CONTRACTS. (a) A contract for making and constructing improvements authorized by this chapter and any necessary related work for which the cost exceeds \$10,000 shall be awarded:

- (1) to the lowest responsible bidder who furnishes satisfactory evidence that the bidder possesses the equipment and facilities essential to properly perform the contract; and

- (2) after giving notice by:

- (A) advertising once a week for four weeks in one or more newspapers of general circulation in this state; and

- (B) posting a notice for at least 10 days at the courthouse door.

- (b) The contract must be in writing and be signed by the

contractors and the directors. A copy of the signed contract shall be filed with the depository and is subject to inspection by all interested parties.

(c) The contract shall be fulfilled in accordance with the specifications and under the supervision of the board and district agents.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.107. AUTHORITY TO SUE AND BE SUED. The district, through the board, may sue and be sued in the district's own name in any court of this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 1047.151. BOOK OF ACCOUNTS; ANNUAL AUDIT. (a) The board shall have kept a complete book of accounts for the district.

(b) On June 1 of each year, the board shall select a competent auditor to examine the accounts, books, and reports of the depository, the tax assessor-collector, and the board.

(c) The auditor shall make a full report and file a copy of the report with the depository, the county clerk, and the board.

(d) The report must state the purposes for which money from each fund was spent.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.152. DEPOSITORY. The board shall select a depository for the district in the manner provided by law for the selection of a county depository. The depository serves for two years until a successor is selected and qualified.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.153. PURCHASING AUTHORITY. The board may

purchase all necessary supplies, materials, and office equipment to meet the needs of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.154. PAYMENT VOUCHERS. A voucher for the payment of district money shall be signed by at least two directors.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER E. BONDS

Sec. 1047.201. BONDS. The district may issue bonds to:

(1) purchase a site for, construct, and initially equip a hospital system; and

(2) purchase, lease, acquire, equip, maintain, and operate a hospital system.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.202. CANCELLATION OF BOND. (a) On the payment of interest or for the redemption of district bonds, the depository shall receive and cancel any interest coupon paid or bond discharged.

(b) When the interest coupon or bond is delivered to the board:

(1) the account of the depository shall be credited with the amount of the coupon or bond; and

(2) the coupon or bond shall be canceled and destroyed.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.203. RECORD OF BOND ISSUANCE. (a) When bonds are issued, the board shall procure and deliver to the county treasurer a well-bound book containing a list of the following information for all bonds:

- (1) manner of payment;
- (2) amount of the bonds;
- (3) rate of interest;
- (4) date of issuance;
- (5) due date;
- (6) location where payable;
- (7) amount received for the bonds; and
- (8) the tax imposed to pay the interest on and redeem the bonds.

(b) The book described by Subsection (a) shall be open to inspection at all times to taxpayers or bondholders.

(c) On payment of a bond, the county treasurer shall:

- (1) enter the payment in the book described by Subsection (a); and

- (2) receive for services the same fees allowed by law for recording the payment as a county clerk recording deeds.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.204. REFUNDING BONDS. (a) The board may issue refunding bonds to refund outstanding bonds issued by the district with the consent of the holders of the bonds to be refunded.

(b) Before issuing refunding bonds, any sum to the credit of any sinking fund account on hand shall be:

- (1) deducted in determining the amount of refunding bonds to be issued; and

- (2) applied to the payment of the outstanding bonds.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.205. REGISTRATION OF REFUNDING BONDS. (a) After registration of refunding bonds, the comptroller shall:

- (1) cancel the bonds to be refunded and the interest coupons for those bonds; and

- (2) deliver the refunding bonds to the proper party.

(b) Bonds to be refunded may be presented for cancellation in installments with a corresponding amount of refunding bonds

registered and delivered as provided by this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.206. TAX TO PAY REFUNDING BONDS. (a) Before refunding bonds authorized by Section [1047.204](#) are delivered, the board shall impose a sufficient tax to pay the principal of and interest on the bonds.

(b) The refunding of any bonds does not affect any taxes already due.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.207. BOND PROCEEDS. The directors shall promptly pay over the proceeds from the sale of district bonds to the depository to the credit of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.208. BOND ELECTION EXPENSES. All expenses incident to holding a bond election shall be paid out of any district funds except the interest and sinking funds for bonds.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER F. TAXES

Sec. 1047.251. IMPOSITION OF AD VALOREM TAX. (a) The district may impose a tax on all property in the district subject to district taxation.

(b) The tax may be used to:

(1) pay the principal of and interest on bonds authorized by Section [1047.201](#); and

(2) maintain and operate a hospital or hospital system.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.252. TAX RATE. The district may impose the tax at a rate not to exceed 75 cents on each \$100 valuation of taxable property in the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

Sec. 1047.253. TAX ASSESSOR-COLLECTOR. The tax assessor-collector of Jasper County shall assess and collect taxes for the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.

SUBCHAPTER G. MERGER

Sec. 1047.301. MERGER. (a) If a countywide hospital district is created for Jasper County or if a district is created for the territory in Jasper County that is not included in the Jasper Hospital District, the board may choose to merge with the newly created hospital district if:

(1) the newly created hospital district assumes all outstanding indebtedness of the Jasper Hospital District; and

(2) the merger of districts is approved by the majority of the voters voting at an election held by the district.

(b) Notice of an election under this section must be given in the same manner as provided for an election to elect directors.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.02, eff. April 1, 2009.