

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HOSPITALS; AMENDING SECTION 39-1318, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING HOSPITAL BOARDS; AMENDING SECTION 39-1326, IDAHO  
3 CODE, TO PROVIDE THAT A HOSPITAL TRUSTEE MAY NOT BE AN EMPLOYEE OF OR  
4 HAVE AN OWNERSHIP INTEREST IN CERTAIN OTHER FACILITIES; AMENDING SEC-  
5 TION 39-1329, IDAHO CODE, TO PROVIDE THAT A VACANCY ON A HOSPITAL BOARD  
6 WILL BE FILLED WITHIN NINETY DAYS; AND AMENDING SECTION 39-1330, IDAHO  
7 CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 39-1318, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 39-1318. HOSPITAL BOARDS -- DUTY TO ACQUIRE, CONSTRUCT,  
13 IMPROVE, AND MAINTAIN, ~~PUBLIC HOSPITALS AND MEDICAL CLINICS PROVIDE FACIL-~~  
14 ~~ITIES AND SERVICES.~~ The betterment and protection of the public health and  
15 care of the sick and afflicted are hereby declared to be the established and  
16 permanent policy of the state of Idaho, ~~the.~~ The duty is hereby imposed upon  
17 the hospital boards provided for by this act of acquiring, constructing,  
18 improving, providing, and maintaining ~~public hospitals or medical clinics~~  
19 ~~within their districts~~ facilities and services for the necessary care and  
20 treatment of persons requiring medical services.

21 SECTION 2. That Section 39-1326, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 39-1326. BOARD OF TRUSTEES OF DISTRICT -- QUALIFICATIONS OF MEM-  
24 BERS. The board of trustees of such hospital district shall consist of seven  
25 (7) residents of the district who shall be elected or appointed as herein  
26 provided. Immediately following the establishment of a hospital district,  
27 the commissioners in the county in which the same is established shall ap-  
28 point the seven (7) members of the first board, three (3) members to act until  
29 the first biennial election, two (2) until the second biennial election, and  
30 two (2) until the third biennial election, all of whom shall serve until the  
31 election and qualification of their successors. Upon a unanimous vote, the  
32 board of trustees may also appoint not more than two (2) additional members  
33 to serve as trustees for the purpose of obtaining necessary and specialized  
34 skills as determined by the board of trustees to assist board deliberations  
35 and decision-making. Members who are appointed by the board shall serve for  
36 a term not to exceed six (6) years. Such appointed board members shall serve  
37 at the pleasure of the board and may be removed with or without cause by a  
38 majority vote of the elected members of the board. Appointed board members  
39 shall have the same duties, oaths and obligations as elected board members;

1 provided however, that an appointed board member shall not be entitled to  
2 vote on any decision to levy a tax pursuant to this chapter.

3 No person shall be qualified to serve as a trustee of a district orga-  
4 nized under the provisions of this chapter unless he or she ~~shall be~~ is a res-  
5 ident of the hospital district and a qualified elector of the state of Idaho.  
6 A trustee may not be an employee of, or have an ownership interest or invest-  
7 ment in, another ambulatory surgery center, hospital, or health system.

8 SECTION 3. That Section 39-1329, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 39-1329. MEETINGS -- QUORUM -- VACANCIES. The board shall meet regu-  
11 larly once each month at a time and place to be designated by the board. Spe-  
12 cial meetings may be held as often as the needs of the district require on  
13 notice to each member of the board. A majority of the members of the board  
14 shall constitute a quorum at any meeting. Any vacancy of an elected member  
15 on the board shall be filled by the remaining members or member of the board,  
16 the appointee to act until the next biennial election, when the vacancy shall  
17 be filled by election. If the board shall fail, neglect or refuse to fill  
18 any vacancy within ~~thirty (30)~~ ninety (90) days after the same occurs, the  
19 board of county commissioners of the county in which said district is situ-  
20 ated shall fill such vacancy. In the case of a vacancy on the board of an ap-  
21 pointed member, a majority of the board shall determine whether to fill the  
22 vacant position.

23 SECTION 4. That Section 39-1330, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the  
26 third Tuesday of May in the next odd-numbered calendar year after the organ-  
27 ization of any district, and on the third Tuesday of May every second year  
28 thereafter, an election shall be held which shall be known as the biennial  
29 election of the district.

30 At the first biennial election in any district hereafter organized and  
31 each sixth year thereafter there shall be elected by the qualified electors  
32 of the district three (3) members of the board to serve for a term of six (6)  
33 years; at the second biennial election and each sixth year thereafter there  
34 shall be elected two (2) members of the board to serve for a term of six (6)  
35 years; at the third biennial election and each sixth year thereafter there  
36 shall be elected two (2) members of the board to serve for terms of six (6)  
37 years.

38 The county clerk shall provide for holding such elections and shall  
39 appoint judges to conduct ~~it~~ them; the county clerk shall give notice of  
40 election by publication and shall arrange such other details in connec-  
41 tion therewith as the board may direct. The returns of the election shall  
42 be certified to and shall be canvassed and declared by the board of county  
43 commissioners. The candidate or candidates, according to the number of  
44 directors trustees to be elected, receiving the most votes shall be elected.  
45 Any new member of the board shall qualify in the same manner as members of the  
46 first board qualify.

1 In any election for ~~director trustee~~, if after the deadline for filing  
2 a declaration of intent as a write-in candidate, it appears that only one  
3 (1) qualified candidate has been nominated for a ~~director's trustee's~~ trustee's posi-  
4 tion, it shall not be necessary for the candidate to stand for election, and  
5 the board of ~~directors trustees~~ of the district shall declare such candidate  
6 elected as a ~~director trustee~~, and the secretary of the board of the district  
7 shall immediately make and deliver to such person a certificate of election.

8 For the purpose of achieving an orderly transition to a term of six (6)  
9 years and to hold trustee elections in odd-numbered years, the following  
10 schedule shall be followed:

11 (a) For trustees elected in 2005, their terms shall expire in 2011 and  
12 the terms for each of those elected in 2011 shall be six (6) years and  
13 thereafter those terms shall be for six (6) years;

14 (b) For trustees elected in 2006, their terms shall expire in 2013 and  
15 the terms for each of those elected in 2013 shall be six (6) years and  
16 thereafter those terms shall be for six (6) years;

17 (c) For trustees elected in 2007, their terms shall expire in 2013 and  
18 the terms for each of those elected in 2013 shall be six (6) years and  
19 thereafter those terms shall be for six (6) years;

20 (d) For trustees elected in 2008, their terms shall expire in 2015 and  
21 the terms for each of those elected in 2015 shall be six (6) years and  
22 thereafter those terms shall be for six (6) years;

23 (e) For trustees elected in 2009, their terms shall expire in 2015 and  
24 the terms for each of those elected in 2015 shall be six (6) years and  
25 thereafter those terms shall be for six (6) years;

26 (f) For trustees elected in 2010, their terms shall expire in 2017 and  
27 the terms for each of those elected in 2017 shall be six (6) years and  
28 thereafter those terms shall be for six (6) years.