

Senate Study Bill 3114 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to boards of trustees for county and city
2 hospitals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 66.31 County and city hospital
2 trustees.

3 A county or city hospital board of trustees may include in
4 their bylaws a process for removal of a trustee for which there
5 is cause that would be grounds for an equitable action for
6 removal in the district court. The process shall provide for a
7 hearing on written charges filed with the board of trustees.

8 Sec. 2. Section 347.9, Code 2018, is amended to read as
9 follows:

10 **347.9 Trustees — appointment — terms of office.**

11 1. When it has been determined by the voters of a county
12 to establish a county public hospital, the board shall appoint
13 five or seven trustees chosen from among the resident citizens
14 of the county with reference to their fitness for office, ~~and~~
15 ~~not more than four of the trustees shall be residents of the~~
16 ~~city at which the hospital is located.~~ The appointed trustees
17 shall hold office until the following general election, at
18 which time their successors shall be elected, ~~two~~ three for
19 a term of ~~two~~ four years, ~~two for four years, and three for~~
20 ~~six~~ and the remainder for a term of two years, and they shall
21 determine by lot their respective terms, and thereafter their
22 successors shall be elected for regular terms of ~~six~~ four years
23 each.

24 2. Upon approval of a majority of the current board of
25 trustees, the board may reduce an existing seven-member board
26 to a five-member board. The board shall establish how to
27 reduce the number of trustees on the board and shall provide
28 for a staggered election cycle for election to the five-member
29 board, which election shall be for a term of four years.
30 However, the manner of reducing the number of trustees shall
31 ensure that the current trustees on the seven-member board may
32 continue to hold office through the end of their respective
33 terms.

34 Sec. 3. Section 347.10, Code 2018, is amended to read as
35 follows:

1 **347.10 Vacancies.**

2 Vacancies on the board of trustees may, until the next
3 general election, be filled by appointment by the remaining
4 members of the board of trustees or, if fewer than ~~four~~ a
5 majority of the trustees remain on the board, by the board of
6 supervisors for the period until the vacancies are filled by
7 election. An appointment made under **this section** shall be for
8 the unexpired balance of the term of the preceding trustee. If
9 a board member is absent for four consecutive regular board
10 meetings, without prior excuse, or fails to comply with more
11 stringent attendance requirements for regular board meetings
12 included in the bylaws governing the board, the member's
13 position shall be declared vacant and filled as set out in this
14 section.

15 Sec. 4. Section 347.11, Code 2018, is amended to read as
16 follows:

17 **347.11 Organization — meetings — quorum.**

18 Hospital trustees shall qualify by taking the usual oath of
19 office as provided in **chapter 63** and organize by the election
20 of a chairperson, a secretary, and a treasurer. The secretary
21 shall report to the county auditor and county treasurer the
22 names of the chairperson, secretary, and treasurer of the
23 board of hospital trustees as soon as practicable after the
24 qualification of each. A board of hospital trustees shall
25 meet as necessary to adequately oversee the operation of the
26 hospital. ~~Four~~ A majority of the board of trustees shall
27 constitute a quorum necessary for actions by the board of
28 hospital trustees. The secretary shall maintain a complete
29 record of board meetings, proceedings, and actions.

30 Sec. 5. Section 347.13, subsection 3, Code 2018, is amended
31 to read as follows:

32 3. Adopt bylaws and rules for its own guidance and for the
33 government of the hospital. The bylaws may contain limits on
34 the number of terms a trustee may serve on the board.

35 Sec. 6. Section 347A.1, subsection 2, paragraph b, Code

1 2018, is amended to read as follows:

2 *b.* The trustees shall hold office until the next succeeding
3 election, at which time their successors shall be elected,
4 two for a term of two years, ~~two~~ and three for a term of four
5 years, ~~and one for a term of six years,~~ and thereafter their
6 successors shall be elected for regular terms of ~~six~~ four years
7 each. Vacancies on the board of trustees may be filled in the
8 same manner as original appointments, to hold office until the
9 vacancies are filled pursuant to section 69.12. If a board
10 member is absent for four consecutive regular board meetings,
11 without prior excuse, or fails to comply with more stringent
12 attendance requirements for regular board meetings included in
13 the bylaws governing the board, the member's position shall be
14 declared vacant and filled as set out in this paragraph.

15 Sec. 7. Section 392.6, subsection 3, paragraph b, Code 2018,
16 is amended to read as follows:

17 *b.* Vacancies on the board of trustees may, until the next
18 general or regular city election, be filled in the same manner
19 as provided in section 347.10. An appointment made under this
20 paragraph shall be for the unexpired balance of the term of
21 the preceding trustee. If a board member is absent for four
22 consecutive regular board meetings, without prior excuse, or
23 fails to comply with more stringent attendance requirements
24 for regular board meetings included in the bylaws governing
25 the board, the member's position shall be declared vacant and
26 filled as set out in this paragraph.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill concerns city and county hospital boards of
31 trustees.

32 New Code section 66.31 allows a county or city hospital board
33 of trustees to adopt bylaws to establish a process for the
34 removal of a trustee for cause.

35 Code section 347.9, concerning the number and appointment

1 of county hospital board trustees, is amended to authorize the
2 establishment of five or seven-member trustee boards and to
3 provide for four-year terms of office. Current law provides
4 for only seven-member trustee boards and for a six-year term of
5 office. The bill establishes the process and initial terms of
6 office for an initial five or seven-member trustee board, and
7 provides for the ability to change a seven-member trustee board
8 to a five-member trustee board.

9 Code section 347.10, concerning vacancies, is amended to
10 provide that the board of trustees may establish more stringent
11 attendance requirements for regular board meetings that can
12 result in a vacancy on the board.

13 Code section 347.11, concerning quorum requirements, is
14 amended to provide that a majority of the members of the board
15 constitute a quorum.

16 Code section 347.13, concerning board of trustee duties, is
17 amended to provide that the board may include term limits for
18 service on the board in the bylaws governing the board.

19 Code section 347A.1, concerning certain county hospitals
20 payable from revenue bonds, is amended to provide for
21 four-year, and not six-year, terms of office. The bill further
22 provides that a vacancy on the board of trustees can occur
23 if a member is absent for four consecutive regular board
24 meetings without excuse, or fails to comply with more stringent
25 attendance requirements for regular board meetings included in
26 the bylaws governing the board.

27 Code section 392.6, concerning city hospital or health care
28 facility trustees, is amended to provide that the board of
29 trustees may establish more stringent attendance requirements
30 for regular board meetings that can result in a vacancy on the
31 board.