

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1002

Short Title: Hospital Governing Authority.

(Public)

Sponsors: Representative Wright.

Referred to: Health.

April 9, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE THAT THE MEMBERS OF A HOSPITAL AUTHORITY
3 BOARD ARE A PUBLIC BODY AND HAVE THE RIGHT TO SUE AND BE
4 SUED.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 131E-9 reads as rewritten:

7 "**§ 131E-9. Governing authority of hospital facilities.**

8 (a) The governing body of a municipality may establish by resolution an office,
9 board, or other municipal agency to plan, establish, construct, maintain, or operate a
10 hospital facility. The resolution shall prescribe the powers, duties, compensation, and
11 tenure of the members of the governing authority. The municipality shall remain
12 responsible for the expenses of planning, establishment, construction, maintenance and
13 operation of the hospital facilities.

14 (b) (1) The county board of commissioners of a county may establish by
15 resolution a county hospital authority to plan, establish, construct, maintain, or operate a
16 hospital facility. The authority shall be referred to as "_____ County Hospital
17 Authority."

18 (2) The county hospital authority shall consist of six appointed members
19 and one ex officio member.

20 (3) The appointed members of the authority shall be appointed by the
21 county board of commissioners. All appointed members shall be
22 residents of the county. Three of the members shall be residents of a
23 city in the county and the remaining three members shall not be
24 residents of the same city or cities in which the other three members
25 appointed under this subdivision reside.

26 (4) For the initial appointments to the county hospital authority, two of the
27 members shall be appointed for a term of three years, two for a term of

1 four years, and two for a term of five years to achieve staggered terms.
2 All subsequent appointments shall be for five-year terms.

3 (5) The ex officio member of the county hospital authority shall be a
4 member of the county board of commissioners. The ex officio
5 member's term on the hospital authority shall be commensurate with
6 his or her term as a member of the county board of commissioners.

7 (6) When any member of the county hospital authority resigns or is
8 removed from office before the expiration of the member's term, the
9 county board of commissioners shall appoint a person to serve the
10 unexpired portion of the term.

11 (c) Any authority vested in a county under this Part or any authority or power
12 that may be exercised by a hospital authority under the Hospital Authorities Act,
13 Chapter 131E, Article 2, Part B, may be vested by resolution of the county board of
14 commissioners in a county hospital authority established under this section. However, a
15 county hospital authority shall exercise only the powers and duties prescribed in the
16 county board of commissioners' resolution. The county board of commissioners shall
17 determine in the resolution the compensation, traveling and any other expenses which
18 shall be paid to each member of the county hospital authority. However, the expenses to
19 plan, establish, construct and operate the hospital facility shall remain the responsibility
20 of the county.

21 (d) The members of an office, board, or other municipal agency established by a
22 municipality pursuant to subsection (a) of this section, or a hospital authority
23 established by a county board of commissioners pursuant to subsection (b) of this
24 section, are a public body and a body corporate and politic and have the right to sue and
25 be sued."

26 **SECTION 2.** This act is effective when it becomes law.