

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 962
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Intergovernmental Relations
4/21/1999
Committee Report (Substituted)

DIGEST

Currently, the Lubbock County Hospital District owns and operates a hospital that is a teaching facility for Texas Tech Medical School, and which also operates as a charity hospital offering indigent care. C.S.H.B. 962 would provide that before this facility can be sold or leased to another party a vote of the people in the district will be required.

PURPOSE

As proposed, C.S.H.B. 962 requires voter approval for the lease or sale of a certain facility owned and operated by the Lubbock County Hospital District.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 10, Chapter 484, Acts of the 60th Legislature, Regular Session, 1967, to make conforming changes.

SECTION 2. Amends Chapter 484, Acts of the 60th Legislature, Regular Session, 1967, by adding Section 10A, as follows:

Sec. 10A. SALE OR LEASE OF CERTAIN FACILITY; ELECTION; DISCLOSURE. Defines "hospital official" and "substantial interest." Authorizes the board of managers of the Lubbock County Hospital district (board), with approval from the commissioners court, to order the lease or sale of a facility owned and operated by the Lubbock County Hospital District (district) as a teaching hospital that is located on the campus of Texas Tech University, contingent on certain disclosure requirements and voter approval. Requires the resolution to include a finding by the board that the lease or sale is in the best interest of the community, and that no hospital official will benefit financially from the sale or lease, providing previously existing conditions. Requires the Commissioners Court of Lubbock County (commissioners court) to order an election on the question of leasing or selling the facility. Requires an election to be held on a specific election date. Sets forth requirements for the ballot. Requires the chairman of the board of managers to disclose the terms of the proposed sale or lease of a facility, within a specific time frame. Requires the disclosure to include both oral and written agreements relating to the sale or lease. Requires the disclosure of any financial interest by a member of the board of managers or hospital official in the sale or lease of a facility, within a specific time frame. Sets forth conditions that establish that a person has a financial interest in the sale or lease. Requires a person to make a disclosure by filing the disclosure with the commissioners court and the board. Provides that disclosure information is a public record. Establishes that a person required to make a disclosure commits a Class A misdemeanor, if the person knowingly fails to make the disclosure within the prescribed period of time. Requires the commissioners court to cancel an election if a hospital official makes a disclosure of a financial interest in the sale or lease of a facility at any time before the date of the election. Authorizes the board to sell or lease the facility only if certain conditions exist. Provides that a disclosure that is made after the sale or lease of the facility does not invalidate the sale or lease. Prohibits an election from being held before the first anniversary of the most recent election on the proposition, if a majority of the votes cast do not approve the sale or lease of the facility.

SECTION 3. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 10A, Chapter 484, Acts of the 60th Legislature, Regular Session, 1967, to add definitions for “hospital official” and “substantial interest.” Requires certain disclosure requirements. Provides that no hospital officials will benefit financially from the sale or lease, providing previously existing conditions. Sets forth conditions and requirements related to the disclosure of the terms of a proposed sale or lease of a facility and any financial interest of a member of the board or a hospital official. Requires the commissioners court to cancel an election if a hospital official makes a disclosure of a financial interest in the sale or lease of a facility at any time before the date of the election. Authorizes the board to sell or lease the facility only if certain conditions exist. Provides that a disclosure that is made after the sale or lease of the facility that occurs does not invalidate the sale or lease. Deletes proposed Subsection (d) and redesignates Subsection (e) as Subsection (i). Makes conforming and nonsubstantive changes.