

BILL ANALYSIS

Senate Research Center

S.B. 459
By: Moncrief
Natural Resources
4/7/1999
As Filed

DIGEST

Currently, the community services divisions of state facilities, that were restructured organizationally into 13 state-operated community services (SOCS) are being transitioned to local control. The group homes and vocational training sites that were operated by these SOCSs are being leased to the local community centers that are now operating them. Since the Texas Department of Mental Health and Mental Retardation (department) will not directly operate or control the program provided in the facilities following completion of the transitions, it is in the best interest of the state to sell these facilities to local services providers. S.B. 459 would authorize the department to sell bond-funded group homes at terms and conditions that are in the best interest of the state and persons served by the department.

PURPOSE

As proposed, S.B. 459 authorizes the conveyance of certain state-owned real property by the Texas Department of Mental Health and Mental Retardation.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Requires the Texas Department of Mental Health and Mental Retardation (department) to convey, on behalf of the state, all or any portion of the state's interest in the real property described in SECTION 2 of this Act, including all improvements affixed to the real property, at terms and conditions that are in the best interest of the state and persons served by the department.

SECTION 2. Provides that the real property authorized for conveyance by SECTION 1 of this Act consists of 57 individual parcels of real property located in numerous counties of the State of Texas purchases under authority granted during certain legislative sessions, specifically for the purpose of providing community-based facilities for difficult-to-place persons with mental retardation.

SECTION 3. Provides that it is hereby reserved and excepted unto the State of Texas and not conveyed to the buyer of any property authorized for conveyance by this Act, any interest in oil, gas, and other minerals in and under said land, as such interests are held by the state prior to the conveyance, and the right and power to remove any and all of said minerals, including the right and power to grant oil, gas, and mineral leases, as such rights and powers are held by the state prior to conveyance.

SECTION 4. Requires proceeds resulting from the conveyance of real property authorized by this Act to be deposited in accordance with Subsection (b), Section 533.084, Health and Safety Code, in the Texas capital trust fund, established under Chapter 2201, Government Code, and expended only for the purposes authorized by Section 533.084, Health and Safety Code.

SECTION 5. Provides that Sections 31.1571 and 31.158, Natural Resources Code, and Sections 533.084 and 533.087, Health and Safety Code, do not apply to the conveyances authorized by this Act except as specified in SECTION 4 of this Act.

SECTION 6. Emergency clause.
Effective date: upon passage.