

BILL ANALYSIS

Senate Research Center
80R9911 EJI-D

H.B. 3169
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Health & Human Services
4/28/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 76th Legislature, Regular Session, 1999, passed the former Texas Department of Mental Health and Mental Retardation Sunset bill, which authorized the transition of over 10 state-operated mental health centers to the locally governed and operated community Mental Health and Mental Retardation (MHMR) authorities. As a result, the Amarillo State Mental Health Center facility, including land, buildings, and site improvements, was leased to the Texas Panhandle MHMR, which now desires to establish ownership of these properties.

H.B. 3169 authorizes the state to convey real property located in Potter County to the Texas Panhandle MHMR for its continued use as a facility to provide community-based MHMR services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Authorizes the Health and Human Services Commission (HHSC) to transfer, on behalf of the Department of State Health Services (DSHS) or the Department of Aging and Disability Services (DADS), as appropriate, to Texas Panhandle Mental Health Mental Retardation (Panhandle MHMR) all or part of the real property, including the improvements affixed to the property and excluding the mineral interest in and under the property, described by Subsection (f) of this section, not later than May 31, 2008.

(b) Requires consideration for the transfer authorized by Subsection (a) of this section to be in the form of an agreement between the parties that requires Panhandle MHMR to use the property in a manner that primarily promotes a public purpose of the state by using the property to provide community-based mental health and mental retardation services. Provides that if Panhandle MHMR fails to use the property in that manner for more than 180 continuous days, ownership of the property automatically reverts to DSHS or DADS, as appropriate.

(c) Requires HHSC, on behalf of DSHS or DADS, as appropriate, to transfer the property by deed without warranties regarding covenants of title. Sets forth certain provisions that the instrument of transfer must include.

(d) Sets forth certain interests and rights that the state reserves.

(e) Provides that Sections 533.084 (Management of Surplus Real Property) and 533.087 (Lease of Real Property), Health and Safety Code, and Sections 31.1571 (Governor's Report) and 31.158 (Real Estate Transactions Authorized by Legislature), Natural Resources Code, do not apply to a transfer of real property authorized by this Act.

(f) Describes the real property to which Subsection (a) of this section refers.

SECTION 2. Effective date: upon passage or September 1, 2007.