

BILL ANALYSIS

Senate Research Center
77R8295 PAM-F

S.B. 1002
By: Zaffirini
Health & Human Services
3/12/2001
As Filed

DIGEST AND PURPOSE

Historically, the Texas Department of Mental Health and Mental Retardation (MHMR) provided services at the former Laredo State Center (center). During the 76th Legislature, S.B. 358 authorized the transition of the center to local governance. As part of the transition, the center facility was leased to the Border Region MHMR Center on September 1, 2000, in accordance with a transition plan approved by the MHMR board. The Border Region MHMR Center desires to establish ownership of the property. S.B. 1002 allows MHMR to transfer real property to the Border Region MHMR Center and requires the property to be used to provide mental health and/or mental retardation services. This bill also retains the state's interest in all oil, gas, and other mineral rights.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Authorizes the Texas Department of Mental Health and Mental Retardation (MHMR), not later than May 31, 2002, to transfer to the Border Region MHMR Community Center (center) 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 (g) of this section.

(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 the center 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 the center fails to use the property in that manner for more than 180 continuous days, ownership of the property automatically reverts to MHMR.

(c) Provides that the conditions subsequently imposed by the deeds transferring the property described by Subsection (g) of this section to the state recorded at Volume 659, Pages 52-53, and Volume 674, Pages 326-327, in the real property records of Webb County, are binding on the property transaction authorized by this section. Provides that the center is obligated in the same manner as MHMR under the deeds described by this subsection. Provides that if the center fails to comply with the conditions subsequently imposed by this subsection for more than 180 continuous days, ownership of the property automatically reverts to MHMR.

(d) Requires MHMR to transfer the property by deed without warranties regarding covenants of title. Requires the instrument of transfer to include a provision that meets certain requirements.

(e) Provides that the state reserves certain rights and interests.

(f) Provides that Sections 533.084 and 533.087, Health and Safety Code, and Sections

31.1571 and 31.158, Natural Resources Code, do not apply to a transfer of real property authorized by this Act.

(g) Provides that the real property to which Subsection (a) of this section refers consists of the former site of the Laredo State Center situated at 1500 Pappas St., Laredo, Texas, and is comprised of two contiguous parcels, collectively constituting +/- 14.234 acres of land described by certain parameters.

SECTION 2. Effective date: upon passage or September 1, 2001.