

BILL ANALYSIS

Senate Research Center
77R4650 PAM-F

S.B. 725
By: Bivins
Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Department of Mental Health and Mental Retardation (MHMR) provides services at the former Amarillo State Center. During the 76th Legislative Session, S.B. 358 authorized the transition of the Amarillo State Center to local governance and, as part of the transition, the Amarillo State Center facility (land, buildings, and site improvements) was leased to the Texas Panhandle MHMR. The Texas Panhandle MHMR desires to establish ownership of these properties; however, its budget does not provide for funds to purchase or rent a facility in keeping with the previous Amarillo State Center budget. As proposed, S.B. 725 authorizes the Texas Department of Mental Health and Mental Retardation to convey real property located in Potter County to the Texas Panhandle MHMR for use as a facility to provide community-based mental health and mental retardation services.

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 (department), not later than May 31, 2002, to transfer to the Texas Panhandle Mental Health Authority 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 in Subsection (f) 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 Texas Panhandle Mental Health Authority (authority) 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 services. Provides that, if Texas Panhandle Mental Health Authority fails to use the property in that manner for more than 180 continuous days, ownership of the property automatically reverts to the department.

(c) Requires the department 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.

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

(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 (Disposal of Unused or Underused Property) and 31.158 (Real Estate Transaction Authorized by Legislature), Natural Resources Code, do not apply to a transfer of real property authorized by this act.

(f) Specifies by name and description the real property to which Subsection (a) of this

section refers.

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