

BILL ANALYSIS

Senate Research Center

C.S.S.B. 725
By: Bivins
Natural Resources
3/7/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the Texas Department of Mental Health and Mental Retardation (department) 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 Texas Panhandle MHMR. 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. C.S.S.B. 725 authorizes the department to convey real property located in Potter County to 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 Texas Panhandle Mental Health and Mental Retardation (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 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 Texas 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 Texas Panhandle MHMR 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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 725 to replace “Texas Panhandle Mental Health Authority” with “Texas Panhandle Mental Health and Mental Retardation.” Requires the agreement to require the transferred property to be used to provide community-based mental health services and mental retardation services.

SECTION 2. No changes in text.