

BILL ANALYSIS

Senate Research Center
81R15990 PMO-D

H.B. 2039
By: Truitt (Uresti)
Health & Human Services
5/6/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Beginning in 1987, Texas bought 42 separate properties specifically designated for providing community-based facilities for difficult-to-place persons with developmental disabilities. These properties are currently operated and managed by 10 community mental health and mental retardation (MHMR) centers in Texas for the purpose of providing services for persons with developmental disabilities.

Under annual lease agreements, community MHMR centers pay a monthly lease amount to the Department of Aging and Disabilities Services (DADS) in order to reduce and eventually retire the bond debt associated with each property. This arrangement presents significant challenges to efficiently operating the various MHMR group homes. The transfer of these properties would allow the community MHMR centers to assume ownership of the properties and pay off the monthly bond debt. Furthermore, this transfer would eliminate DADS's administrative paperwork and other requirements related to the management of the lease agreements for the 42 properties, thereby improving efficiency.

H.B. 2039 transfers 42 separate state properties to 10 community MHMR centers across Texas.

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 Department of Aging and Disability Services (DADS) to transfer to community centers described by Section 534.011(b)(3) (relating to authorizing a community center to be a community mental health center that provides mental health services), Health and Safety Code, and as specifically designated in Section 2 of this Act, all or part of the real property as specified in Section 2 of this Act, including improvements to the property and excluding the mineral interests in and under the property.

(b) Requires that consideration for the transfers authorized by Subsection (a) of this section be in the form of an agreement between DADS and each community center that requires the community 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 or mental retardation services.

(c) Provides that ownership of the property automatically reverts to DADS if a community center fails to use the property in the manner described by an agreement under Subsection (b) of this section for more than 180 continuous days.

(d) Requires DADS to transfer each property by a deed that is without warranties regarding covenants of title and includes a provision that requires the community 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 and indicates that ownership of the property automatically reverts to DADS if the community center fails to use the property as described by Subsection (b) of this section for more than 180 continuous days.

(e) Provides that the state reserves the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act; the state's right to remove from the real property described by Section 2 of this Act any oil, gas, and other minerals in and under the real property; and the state's right to grant a lease held by the state before a conveyance of real property described by Section 2 of this Act relating to the removal of oil, gas, and other minerals in and under the real property.

(f) 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.

SECTION 2. Requires DADS to transfer to: Anderson Cherokee Community Enrichment Services d/b/a ACCESS, certain real property; Border Region Mental Health Mental Retardation Community Center, certain real property; Bexar County Board of Trustees for Mental Health Mental Retardation Services d/b/a The Center for Health Care Services, certain real property; Heart of Texas Region Mental Health Mental Retardation Center, certain real property; Hill Country Community Mental Health Mental Retardation Center, certain real property; Lakes Regional Mental Health Mental Retardation Center, certain real property; Mental Health Mental Retardation of Tarrant County, certain real property; Texana Center, certain real property; Texas Panhandle Mental Health Mental Retardation, certain real property; and West Texas Centers for Mental Health Mental Retardation, certain real property.

SECTION 3. Effective date: upon passage or September 1, 2009.