

BILL ANALYSIS

Senate Research Center

S.B. 1728
By: Lindsay
Government Organization
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As Filed

DIGEST AND PURPOSE

Currently, Texas operates a system of state schools for persons with mental retardation. The demand for state school placement has decreased from 10,843 in 1977 to a 2000 enrollment of 5,338. However, in the past years, community-based services have steadily increased; moreover, an estimated 20,000 individuals are waiting for community-based services. As proposed, S.B. 1728 creates a facility task review force to recommend the closure of two state schools.

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) Sets forth the compositions of the facilities review task force.

(b) Requires the facilities review task force to review the use of state schools and recommend two state schools for closure.

(c) Requires the facility review task force, by December 31, 2004, to submit to the Texas Board of Mental Health and Mental Retardation and the governor a written report of the recommendation required by Subsection (b) of this section.

(d) Requires the Texas Department of Mental Health and Mental Retardation (MHMR), if the Texas Board of Mental Health and Mental Retardation and the governor approve the closures recommended in the report, to sell the facilities and related property of the state schools approved for closure by December 31, 2005. Requires the proceeds from the sale to be deposited in the community service trust fund for persons with mental retardation.

(e) Prohibits the Texas Board of Mental Health and Mental Retardation and the governor from approving the sale of the recommend state schools until MHMR demonstrates that each of the individuals presently residing in those facilities will be given care in either another state school or, with the approval of the resident or the resident's parent or guardian, in a community-based program.

SECTION 2. Amends Chapter 533D, Health and Safety Code, by adding Section 533.088, as follows:

Sec. 533.088. COMMUNITY SERVICES TRUST FUND FOR PERSONS WITH MENTAL RETARDATION. Provides that the community service trust fund for persons with mental retardation is a separate account in the general revenue fund. Requires the money from the sale of state school facilities and related property to be deposited to the credit of the account. Authorizes the money in the account to be used only for the funding of community-based programs for persons with mental retardation.

SECTION 3. Provides that SECTION 1 of this Act expires and the facilities review task force is abolished February 1, 2006.

SECTION 4. Effective date: September 1, 2003.