

## **BILL ANALYSIS**

H.B. 3169  
By: Swinford  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1999, the 76th Legislature passed Senate Bill 358 which was the sunset bill for The Texas Department of Mental Health and Mental Retardation (MHMR). Subsequently, this bill turned over ten state operated community mental health services to the locally operated community MHMRs.

As a result, the Amarillo State Mental Health Center merged with and transferred their services to Texas Panhandle MHMR. However, the ownership of the state property, 12 acres valued around 4.2 million dollars, was not transferred to Texas Panhandle MHMR.

Previously, Texas Panhandle MHMR did not believe it would be able to absorb the costs of the upkeep and maintenance of the property, therefore the property ownership was not transferred at the request of Texas Panhandle MHMR. However, the circumstances have changed and Texas Panhandle MHMR is now able to absorb the costs of the property ownership. House Bill 3169 would transfer the ownership of the 12 acres of land from the state of Texas to Texas Panhandle MHMR.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 3169 provides that not later than May 31, 2008, the Texas Health and Human Services Commission is authorized to transfer, on behalf of the Department of State Health Services or the Department of Aging and Disability Services, as appropriate, to Texas Panhandle Mental Health 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.

The bill provides that the transfer is required to be an agreement between the parties that requires Texas Panhandle MHMR to use the property to provide community-based mental health and mental retardation services. Further, if Texas Panhandle MHMR fails to use the property for such matters for 180 continuous days, ownership of the property will revert to Department of State Health Services or Department of Aging and Disability Services, as appropriate.

The bill requires the Texas Health and Human Services Commission, on behalf of the Department of State Health Services or the Department of Aging and Disability Services, as appropriate, to transfer the property by deed without warranties regarding covenants of title. The bill provides that the instrument of transfer must include a provision that requires Texas Panhandle MHMR to use the property to provide community-based mental health and mental retardation services and indicates that ownership reverts to the Department of State Health Services and the Department of Aging and Disability Services, as appropriate, if Texas Panhandle MHMR does not use the property for such matters.

The bill provides that the state reserves its interest in all oil, gas and other minerals in and under the real property, its right to remove any oil, gas and other minerals, and its right to grant leases relating to the removal of oil, gas and other minerals.

H.B. 3169 provides that the management of surplus real property and lease of real property as described by the Health and Safety Code do not apply to this transfer of real property. The bill also provides that the Governor's report and real estate transactions authorized by the legislature as described by the Natural Resources Code do not apply to a this transfer of real property. The bill provides the specific dimensions and geographic location of the three pieces of property as recorded in the Potter County records.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.