

BILL ANALYSIS

H.B. 2728
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1997, the legislature authorized the construction of four veterans' homes. Since that time, seven homes have opened across the state in Temple, Floresville, Big Spring, Bonham, McAllen, El Paso, and Amarillo. These homes cooperate with the Department of Veterans Affairs to offer skilled-care nursing facilities to Texas veterans, their spouses, and Gold Star parents. This bill would make possible the opening of an additional home in Richmond.

H.B. 2728 requires the Department of Aging and Disability Services to transfer land in Fort Bend County to the Texas Veterans' Land Board to use for a purpose that benefits the state's public interest, and permits the board, in cooperation with the federal government, to develop the property into a state veterans' home for Texas veterans.

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

H.B. 2728 requires the Department of Aging and Disability Services (DADS) to transfer to the Veterans' Land Board certain real property of the state, provided that the board has determined that the property is suitable for its intended purpose. The bill establishes that the consideration for the transfer is the requirement that the board use the property transferred only for a purpose that benefits the public interest of the state and that if the board no longer uses the property for that purpose, ownership automatically reverts to DADS. The bill requires DADS to transfer the property by an appropriate instrument of transfer, executed on its behalf by the Commissioner of the General Land Office and requires the transfer to describe the property to be transferred by metes and bounds; describe the easements referred to in these provisions; and include a provision that requires the board to use the property for a purpose that benefits the public interest of the state, permits the board to develop the property, on or before the 10th anniversary of the effective date of transfer, in cooperation with the federal government as a state veterans' home for Texas veterans, and indicates that ownership of the property automatically reverts to DADS if the board no longer uses the property for a purpose that benefits the public interest of the state.

H.B. 2728 describes the boundaries of the real property of the state to be transferred and requires that the transfer include all mineral rights and interests in the real property and the easements over, under, and on the land owned or controlled by DADS that is adjacent to the real property as the commissioner determines are reasonably necessary for the beneficial use of the real property, provided the easements do not unreasonably interfere with the use of the adjacent property by DADS.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.