

BILL ANALYSIS

H.B. 243
By: Menéndez
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While certain community centers currently have the authority to purchase real property, the law is unclear as to whether these community centers also have the authority to dispose of or sell real property. H.B. 243 seeks to clarify this issue by authorizing these community centers to sell certain real property under specified conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 243 amends the Health and Safety Code to authorize a community center to sell center real property acquired solely through a gift or grant of money or real property from a private entity without the approval of the Department of State Health Services (DSHS) or any local agency that appoints members to the board of trustees of the community center. The bill requires such real property to be sold for the property's fair market value but authorizes the real property to be sold for less than fair market value if the board of trustees adopts a resolution stating the public purpose that will be achieved by the sale and the conditions and circumstances for the sale.

H.B. 243 requires a community center to notify DSHS and each local agency that appoints members to the board of trustees of the community center not later than the 31st day before the date the center enters into a binding obligation to sell the real property and authorizes the commissioner of DSHS to waive the 30-day notice requirement on request on a case-by-case basis. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules relating to this notification process.

H.B. 243 authorizes a community center to use proceeds received from a sale of such real property only for a purpose authorized by the bill's provisions or for a public purpose authorized for a community center by state or federal law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.