

AN ACT

relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 534, Health and Safety Code, is amended by adding Section 534.023 to read as follows:

Sec. 534.023. SALE OF REAL PROPERTY ACQUIRED SOLELY THROUGH PRIVATE GIFT OR GRANT. (a) Except as provided by Subsection (d), a community center may sell center real property, including a building, without the approval of the department or any local agency that appoints members to the board of trustees, only if the real property was acquired solely through a gift or grant of money or real property from a private entity, including an individual.

(b) A community center that acquires real property by gift or grant shall, on the date the center acquires the gift or grant, notify the private entity providing the gift or grant that:

(1) the center may subsequently sell the real property; and

(2) the sale is subject to the provisions of this section.

(c) Except as provided by Subsection (d), real property sold under Subsection (a) must be sold for the property's fair market value.

1 (d) Real property sold under Subsection (a) may be sold for
2 less than fair market value only if the board of trustees adopts a
3 resolution stating:

4 (1) the public purpose that will be achieved by the
5 sale; and

6 (2) the conditions and circumstances for the sale,
7 including conditions to accomplish and maintain the public purpose.

8 (e) A community center must notify the department and each
9 local agency that appoints members to the board of trustees not
10 later than the 31st day before the date the center enters into a
11 binding obligation to sell real property under this section. The
12 commissioner, on request, may waive the 30-day notice requirement
13 on a case-by-case basis.

14 (f) The board shall adopt rules relating to the notification
15 process.

16 (g) A community center may use proceeds received from a sale
17 of real property under this section only for a purpose authorized by
18 this subchapter or for a public purpose authorized for a community
19 center by state or federal law.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 243 was passed by the House on April 3, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 243 on May 16, 2013, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 243 was passed by the Senate, with amendments, on May 15, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor