

By: Menendez

H.B. No. 243

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a community center that provides  
3 mental health or mental retardation services to sell certain real  
4 property of the center.

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

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

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

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

18 (c) Real property sold under Subsection (a) may be sold for  
19 less than fair market value only if the board of trustees adopts a  
20 resolution stating:

21 (1) the public purpose that will be achieved by the  
22 sale; and

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

1       (d) A community center must notify the department and each  
2 local agency that appoints members to the board of trustees not  
3 later than the 31st day before the date the center enters into a  
4 binding obligation to sell real property under this section. The  
5 commissioner, on request, may waive the 30-day notice requirement  
6 on a case-by-case basis.

7       (e) The board shall adopt rules relating to the notification  
8 process.

9       (f) A community center may use proceeds received from a sale  
10 of real property under this section only for a purpose authorized by  
11 this subchapter or for a public purpose authorized for a community  
12 center by state or federal law.

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