

1-1 By: Menendez (Senate Sponsor - Uresti) H.B. No. 243
 1-2 (In the Senate - Received from the House April 4, 2013;
 1-3 April 10, 2013, read first time and referred to Committee on Health
 1-4 and Human Services; May 9, 2013, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 9, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 243 By: Uresti

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the authority of a community center that provides
 1-22 mental health or mental retardation services to sell certain real
 1-23 property of the center.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Subchapter A, Chapter 534, Health and Safety
 1-26 Code, is amended by adding Section 534.023 to read as follows:

1-27 Sec. 534.023. SALE OF REAL PROPERTY ACQUIRED SOLELY THROUGH
 1-28 PRIVATE GIFT OR GRANT. (a) Except as provided by Subsection (d), a
 1-29 community center may sell center real property, including a
 1-30 building, without the approval of the department or any local
 1-31 agency that appoints members to the board of trustees, only if the
 1-32 real property was acquired solely through a gift or grant of money
 1-33 or real property from a private entity, including an individual.

1-34 (b) A community center that acquires real property by gift
 1-35 or grant shall, on the date the center acquires the gift or grant,
 1-36 notify the private entity providing the gift or grant that:

1-37 (1) the center may subsequently sell the real
 1-38 property; and

1-39 (2) the sale is subject to the provisions of this
 1-40 section.

1-41 (c) Except as provided by Subsection (d), real property sold
 1-42 under Subsection (a) must be sold for the property's fair market
 1-43 value.

1-44 (d) Real property sold under Subsection (a) may be sold for
 1-45 less than fair market value only if the board of trustees adopts a
 1-46 resolution stating:

1-47 (1) the public purpose that will be achieved by the
 1-48 sale; and

1-49 (2) the conditions and circumstances for the sale,
 1-50 including conditions to accomplish and maintain the public purpose.

1-51 (e) A community center must notify the department and each
 1-52 local agency that appoints members to the board of trustees not
 1-53 later than the 31st day before the date the center enters into a
 1-54 binding obligation to sell real property under this section. The
 1-55 commissioner, on request, may waive the 30-day notice requirement
 1-56 on a case-by-case basis.

1-57 (f) The board shall adopt rules relating to the notification
 1-58 process.

1-59 (g) A community center may use proceeds received from a sale
 1-60 of real property under this section only for a purpose authorized by

2-1 this subchapter or for a public purpose authorized for a community
2-2 center by state or federal law.

2-3 SECTION 2. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2013.

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