

SENATE AMENDMENTS

2nd Printing

By: Menendez

H.B. No. 243

A BILL TO BE ENTITLED

1 AN ACT

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.

ADOPTED

MAY 15 2013

Atty Gen
Secretary of the Senate

By: MENENDEZ/URETI

H.B. No. 243

Substitute the following for H.B. No. 243 :

By: C. Ph. S. F.

C.S. H.B. No. 243

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

22 (c) Except as provided by Subsection (d), real property sold
23 under Subsection (a) must be sold for the property's fair market
24 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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB243 by Menéndez (Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize a community center to sell real property without the approval of the department or any local agency that appoints members to the board of trustees, only if the property was acquired solely through a gift or grant of money or real property from a private entity. Real property must be sold for fair market value, unless the board of trustees adopts a resolution stating the public purpose; and the conditions and circumstances to accomplish and maintain the public purpose that will be achieved by the sale.

Local Government Impact

A community center that sells real property at fair market value could experience a positive fiscal impact; however, the amounts would vary depending on the value of the real property sold, the amounts owed and the intended use of the proceeds.

Source Agencies:

LBB Staff: UP, SD, CL, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB243 by Menéndez (Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.),
Committee Report 2nd House, Substituted

<p>No fiscal implication to the State is anticipated.</p>
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Source Agencies:

LBB Staff: UP, CL, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 15, 2013

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB243 by Menéndez (Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.), **As Engrossed**

<p>No fiscal implication to the State is anticipated.</p>
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The bill would amend the Health and Safety Code to authorize a community center to sell real property without the approval of the department or any local agency that appoints members to the board of trustees, only if the property was acquired solely through a gift or grant of money or real property from a private entity. Real property must be sold for fair market value, unless the board of trustees adopts a resolution stating the public purpose; and the conditions and circumstances to accomplish and maintain the public purpose that will be achieved by the sale.

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Source Agencies:

LBB Staff: UP, CL, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

February 15, 2013

TO: Honorable Richard Peña Raymond, Chair, House Committee on Human Services

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB243 by Menéndez (Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize a community center to sell real property without the approval of the department or any local agency that appoints members to the board of trustees, only if the property was acquired solely through a gift or grant of money or real property from a private entity. Real property must be sold for fair market value, unless the board of trustees adopts a resolution stating the public purpose; and the conditions and circumstances to accomplish and maintain the public purpose that will be achieved by the sale.

Local Government Impact

A community center that sells real property at fair market value could experience a positive fiscal impact; however, the amounts would vary depending on the value of the real property sold, the amounts owed and the intended use of the proceeds.

Source Agencies:

LBB Staff: UP, CL, TP