

BILL ANALYSIS

Senate Research Center
77R9577 AJA-F

H.B. 1628
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Prior to the 76th legislative session, the Texas Department of Mental Health and Mental Retardation (MHMR) provided mental health and mental retardation services at the Beaumont State Center. Sunset legislation for MHMR passed in the 76th legislative session (Senate Bill 358) contained a provision that authorized the transfer of Beaumont State Center to local governance. As a part of the transfer, the Beaumont State Center facility was leased to Spindletop Mental Health and Mental Retardation Services (Spindletop). Spindletop would like to establish ownership, but Spindletop's budget does not provide funds to purchase a facility such as the former Beaumont State Center. H.B. 1628 authorizes MHMR to transfer certain real property for nonmonetary consideration to Spindletop for use as a facility to provide community-based mental health and mental retardation services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Authorizes the Texas Department of Mental Health and Mental Retardation, not later than May 31, 2002, to transfer to Spindletop MHMR Services all or part of the real property, including the improvements affixed to the property and excluding the mineral interest in and under the property, described by Subsection (h) of this section.

(b) Provides that if the Texas Department of Mental Health and Mental Retardation transfers the property described by Subsection (h) of this section, the transfer does not obligate Spindletop MHMR Services for any debt related to the property accrued before the transfer.

(c) Requires consideration for the transfer authorized by Subsection (a) of this section to be in the form of an agreement between the parties that requires Spindletop MHMR Services to use the property in a manner that primarily promotes a public purpose of the state by using the property to provide community-based mental health or mental retardation services. Provides that if Spindletop MHMR Services fails to use the property in that manner for more than 180 continuous days, ownership of the property automatically reverts to the Texas Department of Mental Health and Mental Retardation.

(d) Provides that any restrictive conditions imposed by a deed transferring the property described by Subsection (h) of this section to the state recorded in the real property records of Jefferson County are binding on the property transaction authorized by this section.

(e) Requires the Texas Department of Mental Health and Mental Retardation to transfer the property by deed without warranties regarding covenants of title. Requires

the instrument of transfer to include a certain provisions.

(f) Provides that the state reserves certain rights or interest.

(g) Provides that Sections 533.084 (Management of Surplus Real Property) and 533.087 (Lease of Real Property), Health and Safety Code, and Sections 31.1571 (Disposal of Unused or Underused Property) and 31.158 (Real Estate Transaction Authorized by Legislature), Natural Resources Code, do not apply to a transfer of real property authorized by this Act.

(h) Provides that the real property to which Subsection (a) of this section refers consists of a certain site.

SECTION 2. Effective date: upon passage or September 1, 2001.