

BILL ANALYSIS

Senate Research Center
80R412 AJA-F

H.B. 1759
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Health & Human Services
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prior to the 76th Legislature, Regular Session, 1999, the Texas Department of Mental Health and Mental Retardation provided mental health and mental retardation services at the Beaumont State Center (center). Legislation enacted in that session authorized the transfer of the center into local governance, leading to the leasing of the center by Spindletop Mental Health and Mental Retardation Services. Spindletop wanted to establish ownership but did not have the funds to purchase the former center.

H.B. 1759 authorizes Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to transfer certain real property for non-monetary 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 Health and Human Services Commission (HHSC), the Department of State Health Services (DSHS), or the Department of Aging and Disability Services (DADS), as appropriate, to transfer to Spindletop Mental Health and Mental Retardation (MHMR) Services (Spindletop) 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 Spindletop does not have obligation for any debt related to the property transferred by HHSC, DSHS, or DADS under Subsection (h) that was accrued before said 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 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 Spindletop's failure to use the property in such a manner for more than 180 continuous days will result in the property automatically reverting in ownership to the entity that transferred the property to Spindletop.

(d) Provides that any restricting 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 (restricting conditions) are binding on the property transaction authorized by this section.

(e) Requires HHSC, DSHS, or DADS, as appropriate, to transfer the property by deed without warranties regarding covenants of title. Requires the instrument of transfer to include the provisions specified under Subsections (c) and (d) of this section.

(f) Provides that the state retains its interest in all oil, gas, and other minerals in and under the real property described by Subsection (h) of this section, its right to remove

such materials from said property, and its right to grant leases held by the state before a conveyance of real property described by Subsection (h) of this section relating to the removal of such materials.

(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 (Governor's Report) and 31.158 (Real Estate Transactions Authorized by Legislature), Natural Resources Code, do not apply to a transfer of real property authorized by this Act.

(h) Sets forth the specific property to which Subsection (a) of this section refers.

SECTION 2. Effective date: upon passage or September 1, 2007.