

BILL ANALYSIS

Senate Research Center
81R16618 AJA-D

H.B. 1884
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Health & Human Services
5/15/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 80th Legislature, Regular Session, 2007, appropriated funds that authorized the Department of State Health Services (DSHS) to construct a primary care and substance abuse treatment facility in Hidalgo County. In order for DSHS to construct the facility, the property on which the facility was to be built had to be transferred to the state. Upon completion of the facility in January 2010, the property must be transferred back to the county so that the county can operate the facility.

H.B. 1884 requires DSHS to transfer to Hidalgo County certain property to be used by the county in a manner that primarily promotes a public purpose of the state. The bill establishes provisions regarding the transfer, including requirements for the instrument of transfer and the reversion of the property under certain conditions.

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) Requires the Department of State Health Services (DSHS) to transfer to Hidalgo County all or part of the real property, including the improvements affixed to the property and the mineral interest in and under the property, described by Subsection (g) of this section as soon as practicable after the completion of the construction of improvements on the property required for the provision of outpatient health care services under Chapter 1106 (H.B. 3504), Acts of the 76th Legislature, Regular Session, 1999, as amended by Chapter 1348 (S.B. 815), Acts of the 79th Legislature, Regular Session, 2005.

(b) Provides that if DSHS transfers the property described by Subsection (g) of this section, the transfer does not obligate Hidalgo County for any debt related to the property accrued before the transfer.

(c) Requires that consideration for the transfer authorized by Subsection (a) of this section be in the form of an agreement between the parties that requires Hidalgo County to use the property in a manner that primarily promotes a public purpose of the state. Provides that if Hidalgo County fails to use the property in that manner for more than 180 continuous days, ownership of the property automatically reverts to the entity that transferred the property to Hidalgo County.

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

(e) Requires DSHS to transfer the property by deed without warranties regarding covenants of title. Requires that the instrument of transfer include a provision that indicates that any restrictive conditions imposed by a deed described by Subsection (d) of this section are binding on the property transaction described by the instrument of transfer; requires Hidalgo County to use the property in a manner that primarily promotes a public purpose of the state; and indicates that ownership of the property automatically

reverts to the entity that transferred the property to Hidalgo County if Hidalgo County fails to use the property in a manner that complies with the conditions imposed under this subsection for more than 180 continuous days.

(f) 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.

(g) Sets forth the real property to which Subsection (a) of this section refers.

SECTION 2. Effective date: upon passage or September 1, 2009.