

By: Tepper

H.B. No. 4415

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain real property from the Health
3 and Human Services Commission to the StarCare Specialty Health
4 System.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. (a) Not later than November 30, 2023, the Health
7 and Human Services Commission shall transfer the real property
8 described by Section 2 of this Act to Lubbock Regional MHMR Center
9 d/b/a StarCare Specialty Health System, including the improvements
10 affixed to the property and excluding the mineral interests in and
11 under the property.

12 (b) Consideration for the transfer authorized by Subsection
13 (a) of this section is the requirement that StarCare Specialty
14 Health System use the transferred property only to provide
15 community-based mental health, physical health, health-related, or
16 intellectual and developmental disability services, a purpose that
17 benefits the public interest of the state.

18 (c) If StarCare Specialty Health System fails to use the
19 property in the manner described by Subsection (b) of this section
20 for more than 180 continuous days after the transfer for reasons
21 other than periods of renovation, construction, or other
22 improvements, or due to an emergency or natural disaster, ownership
23 of the property automatically reverts to the Health and Human
24 Services Commission.

1 (d) The Health and Human Services Commission shall transfer
2 the property by an appropriate instrument of transfer that:

3 (1) includes a provision that:

4 (A) requires StarCare Specialty Health System to
5 use the property to provide community-based mental health, physical
6 health, health-related, or intellectual and developmental
7 disability services, a purpose that benefits the public interest of
8 the state; and

9 (B) indicates that ownership of the property
10 automatically reverts to the Health and Human Services Commission
11 if StarCare Specialty Health System fails to use the property for
12 that public purpose as described by Subsection (c) of this section;
13 and

14 (2) describes the property to be transferred by metes
15 and bounds.

16 (e) The Health and Human Services Commission may execute an
17 appropriate instrument to release and nullify the right of reverter
18 described by Subsection (c) of this section if mutually agreed to by
19 the parties, but only if the Health and Human Services Commission
20 makes a finding that consideration received through the use of the
21 property as described by Subsection (b) of this section has
22 sufficient cumulative value to equal or exceed the fair market
23 value of the property at the time of the transfer.

24 (f) Sections 533.084 and 533.087, Health and Safety Code,
25 and Sections 31.1571, 31.158, and 31.159, Natural Resources Code,
26 do not apply to the transfer of real property authorized by
27 Subsection (a) of this section.

1 SECTION 2. The real property to which Section 1 of this Act
2 applies is described as follows:

3 The real property title to which is held by the Health and
4 Human Services Commission consisting of the complex site of the
5 Lubbock Psychiatric Hospital, doing business as Sunrise Canyon
6 Hospital, situated primarily at 1950 Aspen Avenue, Lubbock, Lubbock
7 County, Texas, constituting 8 acres of land and more particularly
8 described as Tract A - MHR Addition in a deed to the state recorded
9 at Volume 4359, page 48 of the Deed Records of Lubbock County.

10 SECTION 3. This Act takes effect September 1, 2023.