

BILL ANALYSIS

H.B. 2188
By: Deshotel
Human Services
Committee Report (Unamended)

BACKGROUND 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. Legislation passed in the 76th legislative session 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 wanted to establish ownership, but Spindletop's budget did not provide funds to purchase a facility such as the former Beaumont State Center. House Bill 2188 authorizes the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services, as appropriate, 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill authorizes the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services, as appropriate, not later than May 31, 2006, to transfer to Spindletop MHMR Services all or part of certain real property, including the improvements affixed to the property and excluding the mineral interest in and under the property, as described in the bill. The property consists of the former site of the Beaumont State Center situated primarily at 655 South 8th Street, Beaumont, Texas, comprising three contiguous parcels, an adjacent parcel, and a single parcel in Port Arthur, Texas. The legal description of the property is set forth in the bill.

If the transfer takes place as described in the bill, the transfer does not obligate Spindletop MHMR Services for any debt related to the property accrued before the transfer.

The bill provides that consideration for the transfer shall 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 providing community-based mental health or mental retardation services. The bill further 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 entity that transferred the property.

The bill provides that any restrictive conditions imposed by a deed transferring the property to the state recorded in the real property records of Jefferson County are binding on the property transaction authorized by the bill.

If the transfer takes place as described in the bill, the property is to be transferred by deed without warranties regarding covenants of title, and requires the instrument of transfer to include certain provisions enumerated in the bill, and the State reserves certain rights or interest relating to the mineral estate.

EFFECTIVE DATE

Upon passage or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.