

By: Deshotel

H.B. No. 2188

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain state property from the Texas
3 Department of Mental Health and Mental Retardation to Spindletop
4 MHMR Services.

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

6 SECTION 1. (a) Not later than May 31, 2006, the Health and
7 Human Services Commission, the Department of State Health Services,
8 or the Department of Aging and Disability Services, as appropriate,
9 may transfer to Spindletop MHMR Services all or part of the real
10 property, including the improvements affixed to the property and
11 excluding the mineral interest in and under the property, described
12 by Subsection (h) of this section.

13 (b) If the Health and Human Services Commission, the
14 Department of State Health Services, or the Department of Aging and
15 Disability Services transfers the property described by Subsection
16 (h) of this section, the transfer does not obligate Spindletop MHMR
17 Services for any debt related to the property accrued before the
18 transfer.

19 (c) Consideration for the transfer authorized by Subsection
20 (a) of this section shall be in the form of an agreement between the
21 parties that requires Spindletop MHMR Services to use the property
22 in a manner that primarily promotes a public purpose of the state by
23 using the property to provide community-based mental health or
24 mental retardation services. If Spindletop MHMR Services fails to

1 use the property in that manner for more than 180 continuous days,
2 ownership of the property automatically reverts to the entity that
3 transferred the property to Spindletop MHMR Services.

4 (d) Any restrictive conditions imposed by a deed
5 transferring the property described by Subsection (h) of this
6 section to the state recorded in the real property records of
7 Jefferson County are binding on the property transaction authorized
8 by this section.

9 (e) The Health and Human Services Commission, the
10 Department of State Health Services, or the Department of Aging and
11 Disability Services, as appropriate, shall transfer the property by
12 deed without warranties regarding covenants of title. The
13 instrument of transfer must include a provision that:

14 (1) indicates that any restrictive conditions imposed
15 by a deed described by Subsection (d) of this section are binding on
16 the property transaction described by the instrument of transfer;

17 (2) requires Spindletop MHMR Services to use the
18 property in a manner that primarily promotes a public purpose of the
19 state by using the property to provide community-based mental
20 health or mental retardation services; and

21 (3) indicates that ownership of the property
22 automatically reverts to the entity that transferred the property
23 to Spindletop MHMR Services if Spindletop MHMR Services fails to
24 use the property in a manner that complies with the conditions
25 imposed under this subsection for more than 180 continuous days.

26 (f) The state reserves:

27 (1) its interest in all oil, gas, and other minerals in

1 and under the real property described by Subsection (h) of this
2 section;

3 (2) its right to remove from the real property
4 described by Subsection (h) of this section any oil, gas, and other
5 minerals in and under the real property; and

6 (3) its right to grant leases held by the state before
7 a conveyance of real property described by Subsection (h) of this
8 section relating to the removal of oil, gas, and other minerals in
9 and under the real property.

10 (g) Sections 533.084 and 533.087, Health and Safety Code,
11 and Sections 31.1571 and 31.158, Natural Resources Code, do not
12 apply to a transfer of real property authorized by this Act.

13 (h) The real property to which Subsection (a) of this
14 section refers consists of the former site of the Beaumont State
15 Center situated primarily at 655 South 8th Street, Beaumont, Texas,
16 and comprises three contiguous parcels, collectively constituting
17 +/- 13.085 acres of land, an adjacent parcel of +/- 1.961 acres, and
18 a single parcel in Port Arthur constituting +/- 2.7614, described
19 as follows:

20 (1)(i) +/- 2.181 acre tract of land out of the David
21 Brown Survey, Jefferson County, Texas, and more particularly
22 described as Tract 72 B by metes and bounds in a deed to the state
23 recorded at Volume 1465, Page 455, of the Deed Records of Jefferson
24 County;

25 (ii) +/- 1.09 acre tract of land out the David Brown
26 Survey, Jefferson County, Texas and more particularly described as
27 Tract 73 by metes and bounds in that Beaumont City Ordinance of May

1 10th, 1966, and recorded as file 713511 in the Deed Records of
2 Jefferson County;

3 (iii) =/- 9.814 acre tract of land out of the David
4 Brown Survey, Jefferson County, Texas and more particularly
5 described as Tract 73 A by metes and bounds in a deed to the state
6 recorded at Volume 1830, Page 1, of the Deed Records of Jefferson
7 County;

8 (2) =/- 1.961 acre tract of land out of the Noah Tevis
9 League in Beaumont, Jefferson County, Texas and more particularly
10 described as Tract 66 by metes and bounds in a deed to the state
11 recorded at Volume 2271, Page 133, of the Deed Records of Jefferson
12 County; and

13 (3) =/- 2.7614 acre tract of land out of Lot 6, Block
14 9, Range 1 of the Port Arthur Land Company Subdivision, Jefferson
15 County, Texas, and being a part of that =/- 6.06 acre tract recorded
16 as file 8332212 of the deed records of Jefferson County and more
17 particularly described by metes and bounds in that Partition
18 Agreement of August 26, 1991, between Mental Health--Mental
19 Retardation of Southeast Texas/Life Resources, Inc., the Texas
20 Department of Mental Health and Mental Retardation, and Jefferson
21 County, and recorded as file 9129306 of Deed Records of Jefferson
22 County.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.