

By: Deshotel

H.B. No. 1759

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain state property from the Health
3 and Human Services Commission, the Department of State Health
4 Services, or the Department of Aging and Disability Services to
5 Spindletop MHMR Services.

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

7 SECTION 1. (a) Not later than May 31, 2008, the Health and
8 Human Services Commission, the Department of State Health Services,
9 or the Department of Aging and Disability Services, as appropriate,
10 may transfer to Spindletop MHMR Services all or part of the real
11 property, including the improvements affixed to the property and
12 excluding the mineral interest in and under the property, described
13 by Subsection (h) of this section.

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

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

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

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

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

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

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

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

27 (f) The state reserves:

1 (1) its interest in all oil, gas, and other minerals in
2 and under the real property described by Subsection (h) of this
3 section;

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

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

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

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

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

26 (ii) =/- 1.09 acre tract of land out the David Brown
27 Survey, Jefferson County, Texas and more particularly described as

1 Tract 73 by metes and bounds in that Beaumont City Ordinance of May
2 10th, 1966, and recorded as file 713511 in the Deed Records of
3 Jefferson County;

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

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

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

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

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1 Act takes effect September 1, 2007.