

1-1 By: Deshotel (Senate Sponsor - Williams) H.B. No. 1759
1-2 (In the Senate - Received from the House May 2, 2007;
1-3 May 7, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2007, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the transfer of certain state property from the Health
1-9 and Human Services Commission, the Department of State Health
1-10 Services, or the Department of Aging and Disability Services to
1-11 Spindletop MHMR Services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) Not later than May 31, 2008, the Health and
1-14 Human Services Commission, the Department of State Health Services,
1-15 or the Department of Aging and Disability Services, as appropriate,
1-16 may transfer to Spindletop MHMR Services all or part of the real
1-17 property, including the improvements affixed to the property and
1-18 excluding the mineral interest in and under the property, described
1-19 by Subsection (h) of this section.

1-20 (b) If the Health and Human Services Commission, the
1-21 Department of State Health Services, or the Department of Aging and
1-22 Disability Services transfers the property described by Subsection
1-23 (h) of this section, the transfer does not obligate Spindletop MHMR
1-24 Services for any debt related to the property accrued before the
1-25 transfer.

1-26 (c) Consideration for the transfer authorized by Subsection
1-27 (a) of this section shall be in the form of an agreement between the
1-28 parties that requires Spindletop MHMR Services to use the property
1-29 in a manner that primarily promotes a public purpose of the state by
1-30 using the property to provide community-based mental health or
1-31 mental retardation services. If Spindletop MHMR Services fails to
1-32 use the property in that manner for more than 180 continuous days,
1-33 ownership of the property automatically reverts to the entity that
1-34 transferred the property to Spindletop MHMR Services.

1-35 (d) Any restrictive conditions imposed by a deed
1-36 transferring the property described by Subsection (h) of this
1-37 section to the state recorded in the real property records of
1-38 Jefferson County are binding on the property transaction authorized
1-39 by this section.

1-40 (e) The Health and Human Services Commission, the
1-41 Department of State Health Services, or the Department of Aging and
1-42 Disability Services, as appropriate, shall transfer the property by
1-43 deed without warranties regarding covenants of title. The
1-44 instrument of transfer must include a provision that:

1-45 (1) indicates that any restrictive conditions imposed
1-46 by a deed described by Subsection (d) of this section are binding on
1-47 the property transaction described by the instrument of transfer;

1-48 (2) requires Spindletop MHMR Services to use the
1-49 property in a manner that primarily promotes a public purpose of the
1-50 state by using the property to provide community-based mental
1-51 health or mental retardation services; and

1-52 (3) indicates that ownership of the property
1-53 automatically reverts to the entity that transferred the property
1-54 to Spindletop MHMR Services if Spindletop MHMR Services fails to
1-55 use the property in a manner that complies with the conditions
1-56 imposed under this subsection for more than 180 continuous days.

1-57 (f) The state reserves:

1-58 (1) its interest in all oil, gas, and other minerals in
1-59 and under the real property described by Subsection (h) of this
1-60 section;

1-61 (2) its right to remove from the real property
1-62 described by Subsection (h) of this section any oil, gas, and other
1-63 minerals in and under the real property; and

1-64 (3) its right to grant leases held by the state before

2-1 a conveyance of real property described by Subsection (h) of this
2-2 section relating to the removal of oil, gas, and other minerals in
2-3 and under the real property.

2-4 (g) Sections 533.084 and 533.087, Health and Safety Code,
2-5 and Sections 31.1571 and 31.158, Natural Resources Code, do not
2-6 apply to a transfer of real property authorized by this Act.

2-7 (h) The real property to which Subsection (a) of this
2-8 section refers consists of the former site of the Beaumont State
2-9 Center situated primarily at 655 South 8th Street, Beaumont, Texas,
2-10 and comprises three contiguous parcels, collectively constituting
2-11 +/- 13.085 acres of land, an adjacent parcel of +/- 1.961 acres, and
2-12 a single parcel in Port Arthur constituting +/- 2.7614, described
2-13 as follows:

2-14 (1)(i) +/- 2.181 acre tract of land out of the David
2-15 Brown Survey, Jefferson County, Texas, and more particularly
2-16 described as Tract 72 B by metes and bounds in a deed to the state
2-17 recorded at Volume 1465, Page 455, of the Deed Records of Jefferson
2-18 County;

2-19 (ii) +/- 1.09 acre tract of land out the David Brown
2-20 Survey, Jefferson County, Texas and more particularly described as
2-21 Tract 73 by metes and bounds in that Beaumont City Ordinance of May
2-22 10th, 1966, and recorded as file 713511 in the Deed Records of
2-23 Jefferson County;

2-24 (iii) +/- 9.814 acre tract of land out of the David
2-25 Brown Survey, Jefferson County, Texas and more particularly
2-26 described as Tract 73 A by metes and bounds in a deed to the state
2-27 recorded at Volume 1830, Page 1, of the Deed Records of Jefferson
2-28 County;

2-29 (2) +/- 1.961 acre tract of land out of the Noah Tevis
2-30 League in Beaumont, Jefferson County, Texas and more particularly
2-31 described as Tract 66 by metes and bounds in a deed to the state
2-32 recorded at Volume 2271, Page 133, of the Deed Records of Jefferson
2-33 County; and

2-34 (3) +/- 2.7614 acre tract of land out of Lot 6, Block
2-35 9, Range 1 of the Port Arthur Land Company Subdivision, Jefferson
2-36 County, Texas, and being a part of that +/- 6.06 acre tract recorded
2-37 as file 8332212 of the deed records of Jefferson County and more
2-38 particularly described by metes and bounds in that Partition
2-39 Agreement of August 26, 1991, between Mental Health--Mental
2-40 Retardation of Southeast Texas/Life Resources, Inc., the Texas
2-41 Department of Mental Health and Mental Retardation, and Jefferson
2-42 County, and recorded as file 9129306 of Deed Records of Jefferson
2-43 County.

2-44 SECTION 2. This Act takes effect immediately if it receives
2-45 a vote of two-thirds of all the members elected to each house, as
2-46 provided by Section 39, Article III, Texas Constitution. If this
2-47 Act does not receive the vote necessary for immediate effect, this
2-48 Act takes effect September 1, 2007.

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