

1-1 By: Swinford (Senate Sponsor - Seliger) H.B. No. 3169  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 19, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; May 2, 2007, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 2, 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 Texas  
1-9 Health and Human Services Commission, on behalf of the Department  
1-10 of State Health Services or the Department of Aging and Disability  
1-11 Services, as appropriate, to Texas Panhandle Mental Health Mental  
1-12 Retardation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. (a) Not later than May 31, 2008, the Texas  
1-15 Health and Human Services Commission may transfer, on behalf of the  
1-16 Department of State Health Services or the Department of Aging and  
1-17 Disability Services, as appropriate, to Texas Panhandle Mental  
1-18 Health Mental Retardation all or part of the real property,  
1-19 including the improvements affixed to the property and excluding  
1-20 the mineral interest in and under the property, described by  
1-21 Subsection (f) of this section.

1-22 (b) Consideration for the transfer authorized by Subsection  
1-23 (a) of this section shall be in the form of an agreement between the  
1-24 parties that requires Texas Panhandle Mental Health Mental  
1-25 Retardation to use the property in a manner that primarily promotes  
1-26 a public purpose of the state by using the property to provide  
1-27 community-based mental health and mental retardation services. If  
1-28 Texas Panhandle Mental Health Mental Retardation fails to use the  
1-29 property in that manner for more than 180 continuous  
1-30 days, ownership of the property automatically reverts to the  
1-31 Department of State Health Services or the Department of Aging and  
1-32 Disability Services, as appropriate.

1-33 (c) The Texas Health and Human Services Commission, on  
1-34 behalf of the Department of State Health Services or the Department  
1-35 of Aging and Disability Services, as appropriate, shall transfer  
1-36 the property by deed without warranties regarding covenants of  
1-37 title. The instrument of transfer must include a provision that:

1-38 (1) requires Texas Panhandle Mental Health Mental  
1-39 Retardation to use the property in a manner that primarily promotes  
1-40 a public purpose of the state by using the property to provide  
1-41 community-based mental health and mental retardation services; and

1-42 (2) indicates that ownership of the property  
1-43 automatically reverts to the Department of State Health Services or  
1-44 the Department of Aging and Disability Services, as appropriate, if  
1-45 Texas Panhandle Mental Health Mental Retardation fails to use the  
1-46 property in that manner for more than 180 continuous days.

1-47 (d) The state reserves:

1-48 (1) its interest in all oil, gas, and other minerals in  
1-49 and under the real property described by Subsection (f) of this  
1-50 section;

1-51 (2) its right to remove from the real property  
1-52 described by Subsection (f) of this section any oil, gas, and other  
1-53 minerals in and under the real property; and

1-54 (3) its right to grant leases held by the state before  
1-55 a conveyance of real property described by Subsection (f) of this  
1-56 section relating to the removal of oil, gas, and other minerals in  
1-57 and under the real property.

1-58 (e) Sections 533.084 and 533.087, Health and Safety Code,  
1-59 and Sections 31.1571 and 31.158, Natural Resources Code, do not  
1-60 apply to a transfer of real property authorized by this Act.

1-61 (f) The real property to which Subsection (a) of this  
1-62 section refers is described as follows:

1-63 The former site of the Amarillo State Center situated at 901  
1-64 Wallace Street, Amarillo, Texas, and comprised of three contiguous

2-1 parcels, collectively constituting =/- 12.1665 acres of land as set  
2-2 forth below:

2-3 (1) A tract of land known as Tract 1 in Block 4 of the  
2-4 plat of Amarillo Medical Center, an addition to the City of  
2-5 Amarillo, Potter County, Texas, containing =/- 10.10 acres of land  
2-6 and further described in a deed to the state recorded at Volume  
2-7 1037, Page 569, of the Deed Records of Potter County.

2-8 (2) A tract of land being a portion of Lot 3, Block 4,  
2-9 Amarillo Medical Center, an addition to the City of Amarillo,  
2-10 Potter County, Texas, containing =/- 1.4441 acres of land and  
2-11 further described in a deed to the state recorded at Volume 2370,  
2-12 Page 55, of the Deed Records of Potter County.

2-13 (3) A tract of land out of Lot 3, Block 4 of Amarillo  
2-14 Medical Center, an addition to the City of Amarillo, Potter County,  
2-15 Texas, containing =/- 0.6224 acres of land and further described in  
2-16 a deed to the state recorded at Volume 2370, Page 59, of the Deed  
2-17 Records of Potter County.

2-18 SECTION 2. This Act takes effect immediately if it receives  
2-19 a vote of two-thirds of all the members elected to each house, as  
2-20 provided by Section 39, Article III, Texas Constitution. If this  
2-21 Act does not receive the vote necessary for immediate effect, this  
2-22 Act takes effect September 1, 2007.

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