

By: Deshotel

H.B. No. 2258

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use and transferability of certain state property  
3 transferred from the state to Spindletop MHMR Services.

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

5 SECTION 1. Section 1, Chapter 1036 (H.B. 1759), Acts of the  
6 80th Legislature, Regular Session, 2007, is amended by amending  
7 Subsection (c) and adding Subsections (f-2), (f-3), (f-4), and  
8 (f-5) to read as follows:

9 (c) Consideration for the transfer authorized by Subsection  
10 (a) of this section shall be in the form of an agreement between the  
11 parties that requires Spindletop MHMR Services to use the property  
12 in a manner that primarily promotes a public purpose of the state by  
13 using the property to provide community-based mental health or  
14 mental retardation services. An agreement under this subsection  
15 that is amended or supplemented by addendum under Subsection (f-1)  
16 of this section to require Spindletop MHMR Services to use the  
17 property in a manner that primarily promotes a public purpose of the  
18 state by using the property to provide community-based physical  
19 health, health-related, mental health, or mental retardation  
20 services or under Subsection (f-2) of this section to authorize a  
21 transfer or lease of the property must be:

- 22 (1) executed by the parties; and  
23 (2) recorded in the real property records of Jefferson  
24 County, Texas.

1       (f-2) After a transfer of real property under Subsection (a)  
2 of this section takes effect, the parties may by addendum amend or  
3 supplement the agreement under Subsection (c) to authorize:

4           (1) in exchange for payment of the fair market value of  
5 the property or of any portion of the property to be transferred  
6 under this subdivision, as determined by an independent appraiser,  
7 a transfer of the property or portion of the property, in one or  
8 more transactions, to an entity or organization that:

9                   (A) is listed under Section 501(c)(3), Internal  
10 Revenue Code of 1986;

11                   (B) is exempt from federal income taxation under  
12 Section 501(a), Internal Revenue Code of 1986; and

13                   (C) primarily provides health care services; or

14           (2) in exchange for payment of the fair market lease  
15 value of the property or of any portion of the property to be leased  
16 under this subdivision, as determined by an independent appraiser,  
17 a lease of the property or portion of the property in one or more  
18 transactions.

19       (f-3) Spindletop MHMR Services shall retain a payment  
20 resulting from a transaction under Subsection (f-2) and use the  
21 money only in a manner that primarily promotes a public purpose of  
22 the state by providing community-based physical health,  
23 health-related, mental health, or mental retardation services.

24       (f-4) If the lease described under Subsection (f-2)(2) is  
25 for a term of 20 years or more, Spindletop MHMR Services may lease  
26 the property only to an entity or organization that:

27           (1) is listed under Section 501(c)(3), Internal

1 Revenue Code of 1986;

2 (2) is exempt from federal income taxation under  
3 Section 501(a), Internal Revenue Code of 1986; and

4 (3) primarily provides health care services.

5 (f-5) A conveyance of property under Subsection (f-2)(1) or  
6 (2) to an entity or organization must be conditioned on an  
7 obligation that the property be used in a manner that primarily  
8 promotes a public purpose of the state by providing community-based  
9 physical health, health-related, mental health, or mental  
10 retardation services. The conveyance must provide that ownership  
11 of the property automatically reverts to the state on the date that  
12 the entity or organization fails to use the property in a manner  
13 that primarily promotes a public purpose of the state by providing  
14 community-based physical health, health-related, mental health, or  
15 mental retardation services.

16 SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2011.