

BILL ANALYSIS

H.B. 4415
By: Tepper
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Sunrise Canyon Hospital in Lubbock has become known as an innovative, community-based model of care for people in psychiatric distress or with ongoing mental health care needs. Lubbock Regional MHMR Center (d/b/a StarCare Specialty Health System), the local mental health authority for the Lubbock region, deeded the land upon which Sunrise Canyon Hospital was built to the State of Texas, with the intention the improvement and land itself would be deeded back to Lubbock Regional MHMR Center when the bonded debt was defeased. Lubbock Regional MHMR Center has been responsible for the management and upkeep of Sunrise Canyon Hospital for the entirety of its existence. H.B. 4415 seeks to require the Health and Human Services Commission to transfer the real property on which Sunrise Canyon Hospital is located back to the StarCare Specialty Health System. Upon transfer, Lubbock Regional MHMR Center will continue to use the property to provide community-based mental health, physical health, health-related, or intellectual and developmental disability services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4415 requires the Health and Human Services Commission (HHSC), not later than November 30, 2023, to transfer to Lubbock Regional MHMR Center d/b/a StarCare Specialty Health System certain property consisting of the complex site of the Lubbock Psychiatric Hospital, doing business as Sunrise Canyon Hospital, including the improvements affixed to the property and excluding the mineral interests in and under the property.

H.B. 4415 establishes that consideration for the transfer is the requirement that StarCare Specialty Health System use the transferred property only to provide community-based mental health, physical health, health-related, or intellectual and developmental disability services, a purpose that benefits the public interest of the state. The bill establishes that if StarCare Specialty Health System fails to use the property in that manner for more than 180 continuous days after the transfer for reasons other than periods of renovation, construction, or other improvements, or due to an emergency or natural disaster, ownership of the property automatically reverts to HHSC.

H.B. 4415 requires HHSC to transfer the property by an appropriate instrument of transfer that:

- includes a provision that requires StarCare Specialty Health System to use the property for that public purpose and indicates that ownership of the property automatically reverts to HHSC if StarCare Specialty Health System fails to use the property for that public purpose; and
- describes the property to be transferred by metes and bounds.

The bill authorizes HHSC to execute an appropriate instrument to release and nullify the right of reverter if mutually agreed to by the parties, but only if HHSC makes a finding that consideration received through the use of the property as provided by the bill has sufficient cumulative value to equal or exceed the fair market value of the property at the time of the transfer. The bill excepts the transfer from certain requirements in provisions of the Health and Safety Code relating to the powers and duties of the Department of State Health Services relating to management of surplus real property and the lease of real property and in provisions of the Natural Resources Code relating to real property accounting and management by the General Land Office.

EFFECTIVE DATE

September 1, 2023.