

AN ACT

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

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

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

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

- (1) executed by the parties; and
- (2) recorded in the real property records of Jefferson 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.

David Newhall
President of the Senate

Joe Straus
Speaker of the House

I certify that H.B. No. 2258 was passed by the House on April 7, 2011, by the following vote: Yeas 141, Nays 3, 1 present, not voting:

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2258 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Patsy Graw
Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00pm O'CLOCK

JUN 17 2011
Hope Radtke
Secretary of State