

**CHAPTER 85**

**S.B. No. 210**

An Act relating to the sale of certain property and to the use of the proceeds to provide mental health services or to benefit the Texas Department of Mental Health and Mental Retardation; providing for a lien; amending Chapter 300, Acts of the 64th Legislature, Regular Session, 1975, by adding Section 3A.

Be it enacted by the Legislature of the State of Texas:

**SECTION 1.** Chapter 300, Acts of the 64th Legislature, Regular Session, 1975, is amended by adding Section 3A to read as follows:

*“Section 3A. Notwithstanding any other provision of this Act, the conveyance authorized by this Act may be amended to provide that if the real property conveyed under the authority of this Act is sold, the proceeds from the sale shall be used by the Dallas County Mental Health and Mental Retardation Center within five years after the date on which the property is sold to acquire other real property to be used for the provision of mental health or mental retardation services. If the proceeds are not used to acquire other real property within the five-year period, the proceeds shall be immediately paid to the state for the use and benefit of the Texas Department of Mental Health and Mental Retardation. Any proceeds in excess of the cost of the acquired real property shall be immediately paid to the state for the use and benefit of the Texas Department of Mental Health and Mental Retardation. The conditions of this section do not run with the land described in Section 1 of this Act but attach to the land acquired with the proceeds of the sale. If the acquired real property is not used for the provision of mental health and mental retardation services and its cost did not exceed the amount received by the Dallas County Mental Health and Mental Retardation Center for the sale of the land described in Section 1 of this Act, title to the acquired real property immediately transfers to the state for the use and benefit of the Texas Department of Mental Health and Mental Retardation. If the acquired real property is not used for mental health or mental retardation purposes and its cost exceeded the amount received by the Dallas County Mental Health and Mental Retardation Center for the sale of the land described in Section 1 of this Act, the Dallas County Mental Health and Mental Retardation Center shall immediately pay to the state an amount equal to that percent of the appraised value of the acquired real property that the proceeds from the sale of the land described in Section 1 of this Act bore to the purchase price of the acquired real property. A lien exists in favor of the state against the acquired real property securing the payment to the state. The amount paid to the state shall be for the use and benefit of the Texas Department of Mental Health and Mental Retardation.”*

**SECTION 2.** Any offer to sell the real property described in Section 1 of this Act shall be advertised at least once a week for four consecutive weeks in at least two newspapers, one of which shall be published in Dallas County. The other newspaper in which the offer to sell is advertised shall have statewide circulation. Any sale of such real property shall be made to the highest bidder by sealed bid if the consideration for and terms and conditions of sale are deemed satisfactory by the Dallas County Mental Health and Mental Retardation Center; provided, however, that no such sale will be made for an amount less than the current appraised value of such real property. The Dallas County Mental Health and Mental Retardation Center will not use any of the proceeds of such sale to acquire other real property for an amount in excess of the current appraised value of the real property to be acquired.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 6, 1985, by the following vote: Yeas 30, Nays 0; passed the House on April 25, 1985, by the following vote: Yeas 141, Nays 2, two present not voting.

Approved: May 9, 1985

Effective: Immediately