

BILL ANALYSIS

S.B. 811
By: Duncan
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 74th Legislature, Regular Session, 1995, authorized Angelo State University (ASU) to enter into a joint association with the City of San Angelo and the San Angelo Museum of Fine Arts (SAMFA) to construct a new facility containing an educational center and a museum. The 80th Legislature, Regular Session, 2007, transferred ASU and all property, including SAMFA, from the Texas State University System to the Texas Tech University System. In recent months, the Texas Tech University System and SAMFA have agreed to alter their current agreement and transfer the title of SAMFA from the Texas Tech University System to an appropriate nonprofit organization.

S.B. 811 authorizes the Texas Tech University System board of regents to transfer title to the real property and improvements of the San Angelo Museum of Fine Arts to an appropriate nonprofit organization for continued public and educational use. The bill requires the board of regents to hold a public meeting before transferring the title and provides for a reversion of the title to the Texas Tech University System if the nonprofit fails to complete its obligations as stated in the deed.

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

S.B. 811 amends the Education Code to authorize the Texas Tech University System board of regents to transfer title to the real property and improvements of the San Angelo Museum of Fine Arts to a nonprofit organization if, before transferring title, the board holds a public meeting at which the transfer is an agenda item and, in addition to any other notice required, gives notice of the meeting by publishing the subject matter, location, date, and time of the meeting in a newspaper with a general circulation in the city of San Angelo; the board determines that the transfer will serve the interests of the university and the public and, at the time of the transfer, the university does not require the entirety of the real property or improvements for educational purposes; and the nonprofit organization to which the transfer is proposed to be made has demonstrated to the board's satisfaction that the organization intends to continue to use the real property and improvements for public purposes, including educational purposes, and to keep the museum open to the public on a frequent and regular basis.

S.B. 811 requires the chair of the board of regents, to make a transfer, to execute a deed transferring title to the real property and improvements of the San Angelo Museum of Fine Arts to the nonprofit organization. The bill requires the deed to cite the board's authorization to make the transfer and provide that title to the real property and improvements revert to the Texas Tech University System if the nonprofit organization discontinues using the real property or improvements for public purposes as required by the deed or executes a document that purports to convey title.

S.B. 811 defines "nonprofit organization."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.