

BILL ANALYSIS

Senate Research Center
81R8134 SJM-D

S.B. 811
By: Duncan
Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Acts of 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 for an educational center and museum. During the 80th Legislature, Regular Session, 2007, H.B. 3564 transferred ASU, and all property, including SAMFA, from the Texas State University System to the Texas Tech University System (TTU System). In recent months, TTU System and SAMFA have agreed to alter their current agreement and to transfer the title from TTU System to an appropriate nonprofit organization.

As proposed, S.B. 811 authorizes the board of regents of TTU System to transfer the title of SAMFA to an appropriate nonprofit organization for continued public and educational use. S.B. 811 provides for a public meeting with the board before transferring the title, as well as a process for reverting the title back to TTU System if the nonprofit fails to complete its obligations as stated in the deed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 109A, Education Code, by adding Section 109A.005, as follows:

Sec. 109A.005. AUTHORITY TO TRANSFER SAN ANGELO MUSEUM OF FINE ARTS. (a) Defines "nonprofit organization."

(b) Authorizes the board of regents (board) of the Texas Tech University System (TTU System) to transfer title to the real property and improvements of the San Angelo Museum of Fine Arts (museum) to a nonprofit organization if:

(1) 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 having general circulation in the city of San Angelo;

(2) 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

(3) the nonprofit organization to which the transfer is proposed to be made has demonstrated, to the satisfaction of the board, that the organization intends to continue to use the real property and improvements for public purposes, including educational purposes, and keep the museum open to the public on a frequent and regular basis.

(c) Requires the chairman of the board, to make a transfer under this section, to execute a deed transferring title to the real property and improvements of the

museum to the nonprofit organization. Requires that the deed cite the authorization by the board to make the transfer and provide that title to the real property and improvements reverts to TTU 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.

SECTION 2. Effective date: upon passage or September 1, 2009.