

By: Darby

H.B. No. 1266

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the board of regents of the Texas Tech University System to transfer the San Angelo Museum of Fine Arts to a nonprofit organization to operate the museum.

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

SECTION 1. Chapter 109A, Education Code, is amended by adding Section 109A.005 to read as follows:

Sec. 109A.005. AUTHORITY TO TRANSFER SAN ANGELO MUSEUM OF FINE ARTS. (a) In this section, "nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(b) The board of regents may transfer title to the real property and improvements of the San Angelo Museum of Fine Arts to a nonprofit organization if:

(1) before transferring title, the board of regents 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 of regents determines that:

(A) the transfer will serve the interests of the university and the public; and

1 (B) at the time of the transfer, the university
2 does not require the entirety of the real property or improvements
3 for educational purposes; and

4 (3) the nonprofit organization to which the transfer
5 is proposed to be made has demonstrated, to the satisfaction of the
6 board of regents, that the organization intends to continue to:

7 (A) use the real property and improvements for
8 public purposes, including educational purposes; and

9 (B) keep the museum open to the public on a
10 frequent and regular basis.

11 (c) To make a transfer under this section, the chairman of
12 the board of regents shall execute a deed transferring title to the
13 real property and improvements of the San Angelo Museum of Fine Arts
14 to the nonprofit organization. The deed must:

15 (1) cite the authorization by the board of regents to
16 make the transfer; and

17 (2) provide that title to the real property and
18 improvements reverts to the Texas Tech University System if the
19 nonprofit organization:

20 (A) discontinues using the real property or
21 improvements for public purposes as required by the deed; or

22 (B) executes a document that purports to convey
23 title.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.