

- SUBJECT:** Authorizing school districts to donate surplus property
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 8 ayes — Sadler, Dunnam, Grusendorf, Hardcastle, Hochberg, Oliveira, Olivo, Smith
- 0 nays
- 1 absent — Dutton
- SENATE VOTE:** On final passage, (February 27) — voice vote
- WITNESSES:** For — Ronni Pue, Friends of Gillespie County Country Schools
- Against — None
- BACKGROUND:** Education Code, ch. 11 outlines the powers and duties of boards of trustees of independent school districts, including the authority to sell school district property. School boards lack specific statutory authority to donate surplus school district property to other entities.
- When the Gilmer-Aiken Act of 1949 required the consolidation of school districts across Texas, many old one-room country schoolhouses were given to the new school districts free of charge. These schools no longer are being used as school facilities, but still are considered school district surplus property. No taxpayer funds have been used on these schools since they were given to school districts 50 years ago. Community organizations have maintained the old school buildings for use as community centers and have paid for all operating costs.
- DIGEST:** SB 116 would authorize the board of trustees of an independent school district to authorize, by resolution, the donation of real property and improvements formerly used as a school campus to a municipality, county, or nonprofit organization.

Before adopting the resolution, the board would have to hold a public hearing concerning the donation. In addition to any other notice required, the board would have to publish the location, date, and time of the hearing in a newspaper with general circulation within the district. The board would have to determine that the district no longer needed the property, that the property had historical significance, and that the transfer would further the preservation of the improvements.

The property to be donated would have to have been donated to the district and be used as a community center at the time of the transfer. The entity that received the property would have to continue to use it as a community center for public purposes, such as youth or senior citizen activities, fundraising events for noncommercial groups, or educational or entertainment events.

The president of the board would have to execute a deed transferring ownership. The deed would have to recite the board's resolution authorizing the donation. It also would have to provide that ownership would revert back to the district if the city, county, or nonprofit organization discontinued the use of the property as a public community center or executed a document that attempted to sell the property.

This bill would take effect January 1, 2002, but only if the Legislature adopts SJR 2 by Wentworth, proposing a constitutional amendment to authorize the donation of surplus school district property of historical significance, and voters approve the proposition in a November 2001 election.

NOTES: SJR 2 by Wentworth, the proposed constitutional amendment for which SB 116 would be the enabling legislation, is scheduled for today's Constitutional Amendments Calendar.