

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 69  
By: Haywood  
Education  
3-6-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law prohibits the board of Midwestern State University from selling, purchasing, or exchanging land without legislative consent for each transaction. This is not a time-efficient method of conducting business. This bill would provide the board with more authority over university lands, including the acquisition, sale, lease, and exchange of property.

### **PURPOSE**

As proposed, C.S.S.B. 69 provides the board of regents of Midwestern State University with authority over university lands, including acquisition, sale, lease, or exchange of property.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 103.09, Education Code, as follows:

Sec. 103.09. New heading: CONTROL AND MANAGEMENT OF REAL PROPERTY. Provides that the board of regents of Midwestern State University (board) has sole and exclusive control and management of university lands and other real property. Authorizes the board to acquire real property necessary or convenient to carry out the purposes of Midwestern State University (university) by purchase, donation, exchange, condemnation, or otherwise. Provides that the board's purchase of property is subject to action of the Texas Higher Education Coordinating Board under Section 61.0572(b)(5). Authorizes the board to sell, exchange, lease, or otherwise dispose of any interest in real property except as provided in Subsection (d). Provides that money received for the sale or lease of real property constitutes institutional funds of the university. Provides that property received in an exchange of real property may be used for any purpose deemed appropriate by the board. Prohibits the board from leasing surface rights of land under its control and management for a term longer than 99 years.

SECTION 2. Repealer: Chapter 19, Acts of the 69th Legislature, Regular Session, 1985.

SECTION 3. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 103.09(b), Education Code, to provide that the board's purchase of property is subject to the action of the Texas Higher Education Coordinating Board under Section 61.0572(b)(5).