

AN ACT

relating to the approval of certain construction, repair, or rehabilitation projects at public institutions of higher education in this state.

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

SECTION 1. Section 61.058, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) of this section, the board shall approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source provided that:

(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution's approved programs and role and mission if the cost of the project is not more than \$4,000,000 [~~\$2,000,000~~], but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of \$4,000,000 [~~\$2,000,000~~];

(B) the requirement of approval for new construction applies only to projects the total cost of which is in excess of \$4,000,000 [~~\$1,000,000~~];

1 (C) the requirement of approval for major repair
2 and rehabilitation of buildings and facilities applies only to a
3 project the total cost of which is more than \$4,000,000
4 [~~\$2,000,000~~];

5 (D) the requirement of approval or disapproval by
6 the board does not apply to any new construction or major repair and
7 rehabilitation project that is specifically approved by the
8 legislature;

9 (E) the requirement of approval by the board does
10 not apply to a junior college's construction, repair, or
11 rehabilitation financed entirely with funds from a source other
12 than the state, including funds from ad valorem tax receipts of the
13 college, gifts, grants, and donations to the college, and student
14 fees; and

15 (F) the requirement of approval by the board does
16 not apply to construction, repair, or rehabilitation of privately
17 owned buildings and facilities located on land leased from an
18 institution of higher education if the construction, repair, or
19 rehabilitation is financed entirely from funds not under the
20 control of the institution, and provided further that:

21 (i) the buildings and facilities are to be
22 used exclusively for auxiliary enterprises; and

23 (ii) the buildings and facilities will not
24 require appropriations from the legislature for operation,
25 maintenance, or repair unless approval by the board has been
26 obtained.

27 (c) As necessary to ensure that the board is required to

1 approve only substantial construction, repair, or rehabilitation
2 projects at institutions of higher education, for all projects
3 described by Subsection (a)(B) or (a)(C) the board by rule may
4 increase the total cost threshold required for board approval under
5 this section.

6 SECTION 2. The change in law made by this Act in amending
7 Section 61.058, Education Code, applies only to a project for which
8 an institution of higher education submits an initial application
9 for approval on or after the effective date of this Act. A project
10 for which an institution of higher education submits an initial
11 application for approval before the effective date of this Act is
12 covered by the law in effect when the institution submitted the
13 initial application, and the former law is continued in effect for
14 that purpose.

15 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1796 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1796 passed the House on May 19, 2009, by the following vote: Yeas 142, Nays 3, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor