

1-1 By: Zaffirini S.B. No. 1796
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Higher Education;
1-4 April 14, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the approval of certain construction, repair, or
1-9 rehabilitation projects at public institutions of higher education
1-10 in this state.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 61.058, Education Code, is amended by
1-13 amending Subsection (a) and adding Subsection (c) to read as
1-14 follows:

1-15 (a) Except as provided by Subsection (b) of this section,
1-16 the board shall approve or disapprove all new construction and
1-17 repair and rehabilitation of all buildings and facilities at
1-18 institutions of higher education financed from any source provided
1-19 that:

1-20 (A) the board's consideration and determination
1-21 shall be limited to the purpose for which the new or remodeled
1-22 buildings are to be used to assure conformity with approved space
1-23 utilization standards and the institution's approved programs and
1-24 role and mission if the cost of the project is not more than
1-25 \$4,000,000 [~~\$2,000,000~~], but the board may consider cost factors
1-26 and the financial implications of the project to the state if the
1-27 total cost is in excess of \$4,000,000 [~~\$2,000,000~~];

1-28 (B) the requirement of approval for new
1-29 construction applies only to projects the total cost of which is in
1-30 excess of \$4,000,000 [~~\$1,000,000~~];

1-31 (C) the requirement of approval for major repair
1-32 and rehabilitation of buildings and facilities applies only to a
1-33 project the total cost of which is more than \$4,000,000
1-34 [~~\$2,000,000~~];

1-35 (D) the requirement of approval or disapproval by
1-36 the board does not apply to any new construction or major repair and
1-37 rehabilitation project that is specifically approved by the
1-38 legislature;

1-39 (E) the requirement of approval by the board does
1-40 not apply to a junior college's construction, repair, or
1-41 rehabilitation financed entirely with funds from a source other
1-42 than the state, including funds from ad valorem tax receipts of the
1-43 college, gifts, grants, and donations to the college, and student
1-44 fees; and

1-45 (F) the requirement of approval by the board does
1-46 not apply to construction, repair, or rehabilitation of privately
1-47 owned buildings and facilities located on land leased from an
1-48 institution of higher education if the construction, repair, or
1-49 rehabilitation is financed entirely from funds not under the
1-50 control of the institution, and provided further that:

1-51 (i) the buildings and facilities are to be
1-52 used exclusively for auxiliary enterprises; and

1-53 (ii) the buildings and facilities will not
1-54 require appropriations from the legislature for operation,
1-55 maintenance, or repair unless approval by the board has been
1-56 obtained.

1-57 (c) As necessary to ensure that the board is required to
1-58 approve only substantial construction, repair, or rehabilitation
1-59 projects at institutions of higher education, for all projects
1-60 described by Subsection (a)(B) or (a)(C) the board by rule may
1-61 increase the total cost threshold required for board approval under
1-62 this section.

1-63 SECTION 2. The change in law made by this Act in amending
1-64 Section 61.058, Education Code, applies only to a project for which

2-1 an institution of higher education submits an initial application
2-2 for approval on or after the effective date of this Act. A project
2-3 for which an institution of higher education submits an initial
2-4 application for approval before the effective date of this Act is
2-5 covered by the law in effect when the institution submitted the
2-6 initial application, and the former law is continued in effect for
2-7 that purpose.

2-8 SECTION 3. This Act takes effect September 1, 2009.

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