

Higher Education Capital Projects Transparency Act

Summary

The Higher Education Capital Projects Transparency Act requires a public institution of higher education to develop and promulgate procedures for maximum utilization of existing facilities, to make data on the average weekly usage of classrooms and laboratories available on its website in a format clearly comprehensible to the public, and to hold public discussion of each proposed capital construction project exceeding \$10,000,000 in total cost, including, but not limited to, evaluation of utilization of existing campus instructional buildings for a period not less than the three years preceding the construction proposal.

Model Legislation

Section 1. {Building Utilization Data.}

(A) Each institution of public higher education, shall post on its website annual data on the utilization of classroom and laboratory facilities during regular academic terms.

(B) Such data will include, but not be limited to:

- (1) average weekly number of hours of instructional usage of all campus classrooms
- (2) average number of hours of instructional usage of all campus classrooms, reported by day of the week and time of day
- (3) average weekly hours of usage for instruction of all campus laboratories
- (4) average number of hours of instructional usage of all campus laboratories, reported by day of the week and time of day
- (5) average percentage of seats filled in all classes taught in campus classrooms
- (6) average percentage of laboratory stations used in campus laboratory sections

Section 2. {Public Discussion of Proposed Capital Projects.}

(A) For all proposed campus capital construction projects exceeding \$10,000,000 in total cost, the governing board of a public university shall hold public discussion either at a regular meeting of its governing board or in a specially-convened public meeting. Such discussion shall proceed irrespective of the source of funding.

(B) Public discussion of proposed campus capital construction projects exceeding \$10,000,000 will include, but not be limited to:

- (1) Review of utilization of existing campus instructional buildings over a period not less than the three years preceding the construction proposal.
- (2) Review of projected maintenance costs for the proposed building.
- (3) Funding sources for the proposed building.

Section 3. {Reporting Requirements.}

(A) Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution's compliance with this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(B) As applicable, the [state] Coordinating Board may adopt rules necessary to administer this section.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

Drafting Note: The requirement to develop procedures for maximum utilization of existing facilities is modeled after Utah State Code Title 53B, Chapter 6, Section 101.