PROPOSED RULES PREAMBLE

Brief explanation of proposed rule
The Texas Higher Education Coordinating Board proposes amendments to Chapter 17, Subchapter A, Section 17.3, concerning resource planning definitions.

Specifically, these amendments will make necessary changes to existing definitions in order to define planned projects when considering project applications.

Fiscal note and estimated cost to state and local government (or estimated reduction in costs to state and local government, and/or estimated loss of increase in revenue to state and local government)
Ms. Susan Brown, Assistant Commissioner for Planning and Accountability, Texas Higher Education Coordinating Board (THECB) has determined that for each year of the first five years the section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering this change to the rules.

Public Benefit and local employment impact
Ms. Brown, Assistant Commissioner, Texas Higher Education Coordinating Board (THECB) has determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be more effective administration of the capital project approval process. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Request for comments
Comments on the proposal may be submitted to Gary Johnstone, Deputy Assistant Commissioner for Planning and Accountability, Texas Higher Education Coordinating Board (THECB), 1200 East Anderson Lane, Austin, TX, 78752 gary.johnstone@thecb.state.tx.us . Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Statutory basis for amendment (or new rule)
The amendments are proposed under the Texas Education Code, Sections 61.0572, 61.058, and 61.0582.

Statutes, articles, codes affected by the proposed action
The amendments affect the following Texas Education Code, Sections 61.0572, 61.058, and 61.0582.

CHAPTER 17. Resource Planning

Subchapter A. General Provisions

Section
17.1. Purpose and Scope
17.2. Authority
17.3 Definitions

17.1 – 17.2 (No change.)

17.3 Definitions

(1) – (56) (No change.)

(57) Planned Project--A project submitted to the Board for review and approval if the project is reported on the most recently submitted MP1 report and prioritized in the top ten projects submitted by the institution, approved by the Board as supporting the state's higher education needs, the scope of the project is within 10% of the scope as identified in the capital expenditure plan, the cost of the project is within 10% of the project costs identified in the capital expenditure plan, and funding sources are appropriate with the type of project presented.

(58) [(~~57~~)] Project--The process that includes the construction, repair, renovation, addition, alteration of a campus, building, or facility, or its infrastructure, or the acquisition of real property.

(59) [(~~58~~)] Real Property--Land with or without improvements such as buildings.

(60) [(~~59~~)]_Repair and Renovation (R&R)--Construction upgrades to an existing building, facility, or infrastructure that currently exists on campus; this includes the finish-out of shell space. R&R may add E&G NASF space.

(61) [(~~60~~)] Research Facility--A facility used primarily for experimentation, investigation, or training in research methods, professional research and observation, or a structured creative activity within a specific program. Included are laboratories used for experiments or testing in support of instructional, research, or public service activities.

(62) [(~~61~~)] Shell Space--An area within a building with an unfinished interior designed to be converted into usable space at a later date.

(63) [(~~62~~)] Space Need--The result of the comparison of an institution's actual space to the predicted need as calculated by the Board's Space Projection Model.

(64) [(~~63~~)] Standard--Basis, criteria, or benchmark used for evaluating the merits of a project request or an institutional comparison to a benchmark.

(65) [(~~64~~)] Technical Research Building--Space used for research, testing, and training in a mechanical or scientific field. Special equipment is required for staff and/or student experimentation or observation. Included are specialized laboratories for new technologies that

have stringent environmental controls on air quality, temperature, vibration, and humidity. Facilities generally include space for specialized technologies, semiconductors, biotechnology, advanced materials, quantum computing and advanced manufacturing quantum computing technology, nanoscale measurement tools, integrated microchip-level technologies for measuring individual biological molecules, and experiments in nanoscale disciplines.

(66) [(~~65~~)] Tracking Report--Institutional reports indicating the status of approved projects.

(67) [(~~66~~)] Tuition Revenue Bonds Project--A project for which an institution has legislative authority to finance a construction or land acquisition project as provided for in Texas Education Code, Sections 55.01 - 55.25.

(68) [(~~67~~)] Unimproved Real Property--Real property on which there are no buildings or facilities.

(69) [(~~68~~)] University System--The association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.