

The Employees Retirement System of Texas (ERS) proposes amendments to 34 Texas Administrative Code (TAC) Chapter 61, concerning Terms and Phrases, by amending §61.1 (Definitions).

ERS is a constitutional trust fund established as set forth in Article XVI, §67, Texas Constitution, and further organized pursuant to Title 8, Tex. Gov't Code, as well as 34 Tex. Admin. Code, §§61.1 *et seq.*

Section 61.1, concerning Terms and Phrases (Definitions), is proposed to be amended in order to clarify the rule and its interaction with other rules and statutes and to enhance public understanding of the rule.

#### GOVERNMENT GROWTH IMPACT STATEMENT

ERS has determined that during the first five-year period the amended rule will be in effect:

- (1) the proposed amendments will not create or eliminate a government program;
- (2) implementation of the proposed amendments will not require the creation of new employee positions or eliminate existing employee positions;
- (3) implementation of the proposed amendments will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed amendments will not require an increase or decrease in fees paid to the agency;
- (5) the proposed amendments will not create a new rule or regulation;
- (6) the proposed amendments will not expand, limit, or repeal an existing rule or regulation;
- (7) the proposed amendments will not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed amendments will not positively or adversely affect the state's economy.

Mr. Keith Yawn, Director of Strategic Initiatives, has determined that for the first five-year period the rule is in effect, there will be no fiscal implication for state or local government or local economies as a result of enforcing or administering the rule; and small businesses, micro-businesses, and rural communities will not be affected.

The proposed amendments to the rule reflect clarifications of the intent of the rule and its interaction with other rules and statutes, as well as an enhanced public understanding of the rule. The proposed amendments do not constitute a taking. Mr. Yawn has also determined that, to his knowledge, there are no known anticipated economic effects to persons who are required to comply with the rule as proposed, and the proposed amendments do not impose a cost on regulated persons.

Mr. Yawn also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of adopting and complying with the rule is to clarify public understanding of the agency's administration of the rule.

Comments on the proposed amendments may be submitted to Cynthia C. Hamilton, Acting General Counsel, Employees Retirement System of Texas, P. O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at *Cynthia.hamilton@ers.texas.gov*. The deadline for receiving comments is Monday, November 22, 2021, at 10:00 a.m.

The amendments are proposed under Tex. Gov't Code §815.102, which provides authorization for the ERS Board of Trustees to adopt rules necessary for the administration of the funds of the retirement system and regarding the transaction of any other business of the Board.

No other statutes are affected by the proposed amendments.

<rule>

#### §61.1. Definitions.

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Contributory service--Service for which all necessary deposits were made with and are being held by the system [System].

(2) System--The Employees Retirement System of Texas.

(3) Trustees, board, or board [Board] of trustees [Trustees]--The board [Board] of trustees [Trustees] of the Employees Retirement System of Texas.

(4) Year--The state fiscal year.

(5) Interested person [Person]--Any member of the system; any beneficiary or survivor of a system member; any retiree of the system; any guardian, administrator, or executor of a system member, retiree, or beneficiary; and [or] any state agency employing system members.