

Public Agenda Item #9

*Consideration of Re-adoption of Proposed Rules of the Board of Trustees, Texas Administrative Code, Title 34, Part IV, Chapter 61 (Terms and Phrases), Chapter 63 (Board of Trustees), and Chapter 65 (Executive Director), with Proposed Amendments - (**Action**)*

December 7, 2021

Keith Yawn, Director of Strategic Initiatives

Administrative Code Review

Chapters 61, 63 and 65



- Texas Government Code, Section 2001.039 directs agencies to regularly review administrative rules to assess whether the reasons for their adoption continue to exist.
- Chapter 63 (Board of Trustees) includes new language to implement legislation passed by the 87th Texas Legislature.

Proposed Amendments to Chapter 61

Terms and Phrases



- Chapter 61 provides definitions of certain terms and phrases used throughout ERS administrative rules for consistency and clarity.
- Exhibit A provides the detailed revisions as publicly posted.
- Reason for revisions: to clarify and simplify the language used in the rules for a public audience; not intended to change the meaning or application of the rules from previous versions.

Proposed Amendments to Chapter 63

Board of Trustees



- Chapter 63 covers Board of Trustee operations, including duties, election activities, and advisory committees.
- Exhibit B provides the detailed revisions as publicly posted.
- Reason for revisions: (1) to implement the provisions of House Bill 917 (87th session) to allow a retiree to serve as a trustee; and (2) to clarify and simplify the language used in the rules for a public audience.

Proposed Amendments to Chapter 63

Board of Trustees – Nomination Process



- Statute allows a retiree to hold 1 of the 3 elected trustee position
- Retirees can run in a board election for the first time in 2023
- An active member may not be nominated to the Board if they are employed by the same agency as another trustee
- A retiree or active member may not be nominated to the Board if they were employed by ERS within the past six years

Proposed Amendments to Chapter 65

Executive Director



- Chapter 65 addresses the authority of the ERS Executive Director, including duties and delegation authority.
- Exhibit C provides the detailed revisions as publicly posted.
- Reason for revisions: to clarify and simplify the language used in the rules for a public audience, and ensure alignment with authorizing statute.

Public Posting and Comment

Chapters 61, 63 and 65



Notices of the proposed amendments to Chapter 61, Chapter 63 and Chapter 65 were published in the October 22, 2021 issue of the Texas Register (46 TexReg 7194).

ERS did not receive any comments on the proposed rule amendments.

Staff Recommendation



Proposed amendments to Chapters 61, 63 and 65

Re-adopt Chapter 61 (Terms and Phrases), Chapter 63 (Board of Trustees), and Chapter 65 (Executive Director) as amended in Exhibits A, B and C of this agenda item and publicly posted to the Texas Register, as the reasons for their adoption continue to exist.

Questions?
Action Item