

Public Agenda Item #14a

Review, Discussion and Consideration of the Board of Trustees, Texas Administrative Code, Title 34, Part IV, Required Rule Reviews and Amendments to:

Chapter 61 (Terms and Phrases) and Chapter 65 (Executive Director)

February 23, 2016

Paula A. Jones, General Counsel & Chief Compliance Officer

Amendments to

Chapter 61 (Terms and Phrases) and Chapter 65 (Executive Director)



Amendments:

- § 61.1 - Include a definition for an “interested person”
- § 65.3 – Repeal subsection (c), which is unnecessary, since ERS is required to follow the Office of the Attorney General’s rules regarding costs associated with Public Information Act requests

New Rules

Chapter 65 (Executive Director)



New Rules:

- § 65.11 – added to comply with new legislation requiring agencies to adopt rules requiring the agency’s executive head to authorize tuition reimbursement
- § 65.13 – added to comply with new legislation requiring agencies to establish procedures to identify each contract that requires enhanced contract or performance monitoring and to submit information on the contract to the Board
- Notice of proposed amendments and new rules published in the January 8, 2016 issue of the *Texas Register*. ERS did not receive any comments.

Required Rule Review:

Chapters 61 (Terms and Phrases) and 65 (Executive Director)



- Texas law requires review of rules every four years. Staff reviewed Chapters 61 and 65 per § 2001.039, Tex. Gov't Code.
- Notices of rule review for Chapters 61 and 65 were published in the May 8, 2015 issue of the *Texas Register*. No comments were received by ERS.
- Reasons for adopting rules in Chapters 61 and 65 continue to exist with amendments.

Required Rule Review and Adoption of Amendments

Staff Recommendation



Staff Recommends:

- Adopt proposed amendments to Chapters 61 (Terms and Phrases) and 65 (Executive Director) as presented
- Re-adopt Chapters 61 and 65 as amended by the Board

Questions?