

TITLE 34. PUBLIC FINANCE
PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS
CHAPTER 51. GENERAL PROVISIONS

34 TAC §51.2

The Teacher Retirement System of Texas (TRS) proposes to repeal §51.2 (relating to Vendor Protests, Dispute Resolutions, and Hearings) under Chapter 51 in Part 3 of Title 34 of the Texas Administrative Code. This repeal is proposed in conjunction with the proposed new §51.2 (relating to Vendor Protests and Appeals) under Chapter 51 published elsewhere in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

TRS proposes to repeal §51.2 in order to replace it with updates to TRS' vendor protest and appeal procedures to align with TRS' procurement and contracting processes and to make the process more efficient and streamlined. For the same purpose, TRS is proposing a new §51.2 elsewhere in this issue of the *Texas Register*. The proposed new §51.2 removes obsolete requirements or makes other substantive changes for purposes of efficiency and timeliness. The proposed new §51.2 effectively incorporates many of the substantive requirements of the proposed repealed rule but makes formatting and stylistic changes to those provisions for readability purposes. A complete description of these changes can be found in the preamble to the proposed new §51.2.

TRS has determined that the proposed repealed rule, if adopted, shall become effective on the same date that the proposed new §51.2 becomes effective.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed repealed rule will be in effect, there will be no foreseeable fiscal implications for state or local governments as a result of the proposed repealed rule.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repealed §51.2 will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal of §51.2 will be to streamline and clarify provisions relating to the general administration of the TRS' procurement and contracting processes.

Mr. Green has also determined that the public will incur no new costs as a result of the proposed repealed rule.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repealed rule. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

TRS has determined that there will be no effect on local employment because of the proposed repealed rule. Therefore, no local employment impact statement is required under Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed repealed rule is in effect, the proposed repealed rule will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

The proposed repealed rule will repeal one existing rule for the reasons stated above in this preamble.

TAKINGS IMPACT ASSESSMENT

TRS has determined that there are no private real property interests affected by the proposed repealed rule, therefore, a takings impact assessment is not required under Government Code §2007.043.

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed repealed rule because the proposed repealed rule does not impose a cost on regulated persons.

COMMENTS

Comments may be submitted in writing to Brian Guthrie, TRS Executive Director, 1000 Red River Street, Austin, Texas 78701-2698. Written comments must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

STATUTORY AUTHORITY

The proposed repealed rule is proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repealed rule affects the following section: Government Code §825.103(d) relating to TRS' purchase of goods and services.

34 TAC §51.2

CERTIFICATION

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.