

TITLE 34. PUBLIC FINANCE
PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS
CHAPTER 39. PROOF OF AGE

34 TAC §39.1

The Teacher Retirement System of Texas (TRS) proposes to repeal §39.1 (relating to Establishment of Date of Birth) of Chapter 39 (relating to Proof of Age) in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257-5258), TRS identified §39.1 as a rule for future repeal because §39.1 provides no substantive requirements that require a rule. For this reason, TRS now proposes to repeal this rule. Further, because §39.1 is the only rule in Chapter 39 of TRS rules, TRS also proposes the repeal of Chapter 39.

FISCAL NOTE

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

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal will be to remove an unnecessary rule from the Texas Administrative Code. Mr. Green has also determined that there is no economic cost to entities or persons required to comply with the proposed repeal. The repeal imposes no new requirements.

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 repeal. 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 repeal. 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 repeal will be in effect the proposed repeal will not create or eliminate a government program; 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 require an increase or decrease in fees 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 repeal does, however, repeal §39.1.

TAKINGS IMPACT ASSESSMENT

TRS has determined that since there are no private real property interests affected by the proposed repeal, 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 repeal because the proposed repeal does not impose a cost on regulated persons.

COMMENTS

TRS requests written comments regarding the proposed repeal. The comments may include information related to the costs, benefits, or effects of the proposed repeal, including any applicable data, research, or analysis, from any person required to comply with the proposed repeal or any other interested person.

Comments and information regarding the cost, benefit, and effect of the proposed repeal may be submitted in writing to Brian Guthrie, TRS Executive Director, PO Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

STATUTORY AUTHORITY

The repeal of §39.1 is proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeal of §39.1 implements Government Code §825.102.

~~[CHAPTER 39. PROOF OF AGE]~~

~~[§39.1. Establishment of Date of Birth.]~~

~~[(a) Date of birth may be established by any one of the following:~~

- ~~(1) an original birth certificate or a legible unaltered copy thereof;~~
- ~~(2) a delayed birth certificate in accordance with Chapter 192, Subchapter B, Health and Safety Code, or a legible unaltered copy provided by the Bureau of Vital Statistics;~~
- ~~(3) a delayed birth certificate issued by the state in which birth occurred or a legible unaltered copy provided by the registration agency;~~
- ~~(4) an original baptismal record or parish record wherein the age of the individual at the time of baptism is given, or a legible unaltered copy of such record;~~
- ~~(5) a family Bible record when properly abstracted or copied and accompanied by the prescribed affidavit forms issued by the Teacher Retirement System of Texas (TRS);~~
- ~~(6) a report from the Bureau of Census stating the age of the individual at a census year when the individual was less than 20 years of age;~~
- ~~(7) a signed letter from the Social Security Administration indicating a date of birth which has been accepted by Social Security Administration;~~
- ~~(8) naturalization or citizenship papers showing the individual's date of birth;~~
- ~~(9) for a member, an original birth certificate or a legible unaltered copy thereof when there is no given name listed for the infant as long as it is consistent with other birth information in the TRS file;~~
- ~~(10) an alien registration card;~~
- ~~(11) a hospital birth record signed by the administrator or custodian of records of the hospital;~~
- ~~(12) a U.S. passport;~~
- ~~(13) a state issued driver license or state issued ID card;~~
- ~~(14) a U.S. or state issued military ID; or~~
- ~~(15) any other evidence of age as may be approved by TRS.~~

~~(b) If there is any question concerning a copy of the documents listed in this section, a certified copy of the document may be required.]~~

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.