



# The Attorney General of Texas

April 4, 1978

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An Equal Opportunity  
Affirmative Action Employer

Honorable Leonard Prewitt  
Executive Secretary  
Teacher Retirement System of Texas  
1001 Trinity Street  
Austin, Texas

Honorable Joe Murphy  
Executive Director  
Employees Retirement System  
of Texas  
1800 San Jacinto  
Austin, Texas 78711

Opinion No. H- 1150

Re: Whether employees of the  
School Tax Assessment Practices  
Board are members of the  
Teacher Retirement System of  
Texas or the Employees Retirement  
System of Texas.

Gentlemen:

You have requested our opinion regarding whether employees of the  
School Tax Assessment Practice Board are members of the Teacher  
Retirement System or the Employees Retirement System.

The School Tax Assessment Practices Board was established by the 65th  
Legislature. Education Code § 11.71 - 11.88, Acts 1977, 65th Leg., ch. 1, at 29.  
The same statute amended section 11.01 of the Education Code to read:

The State Board of Education, the State Board for  
Vocational Education, the state commissioner of  
education, the School Tax Assessment Practices Board,  
and the State Department of Education shall comprise  
the Central Education Agency.

(Emphasis added).

Section 3.03 of the Education Code provides that, with certain  
exceptions,

[e]very employee in any public school or other branch  
or unit of the public school system of this State is a

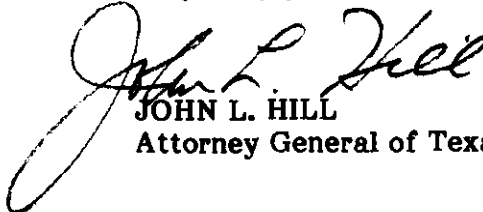
member of the [teacher] retirement system as a condition of his employment.

"Employee" includes "any person employed to render service on a full-time, regular salary basis by . . . the Central Education Agency. . . ." Education Code § 3.02. Since the School Tax Assessment Practices Board is a component of the Central Education Agency, it seems clear that the Teacher Retirement System, rather than the Employees Retirement System, is the system which must extend coverage to Board employees. Accordingly, it is our opinion that all persons employed by the School Tax Assessment Practices Board on a full-time regular salary basis are members of the Teacher Retirement System.


S U M M A R Y

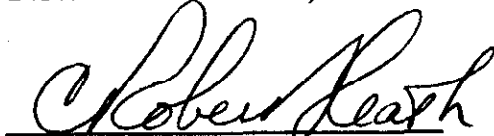
All persons employed by the School Assessment Practices Board on a full-time regular salary basis are members of the Teacher Retirement System.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

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