



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

August 18, 1975

The Honorable Everett L. Anschutz
Executive Secretary
Employees Retirement System of Texas
Box 12337, Capitol Station
Austin, Texas 78711

Opinion No. H- 667

Re: Rate of retirement contribution
required of members of the Judicial
Retirement System.

Dear Mr. Anschutz:

You have requested our opinion concerning the proper rate of member contributions to the Judicial Retirement System.

Section 5 of article 6228b, V. T. C. S. , was amended by House Bill 1324, Acts 1975, 64th Leg., to read:

From and after the effective date of this amendment, every Judge of this State. . . shall contribute the same percentage of his annual salary paid to him by the State which is contributed by each member of the Employees Retirement System of Texas. . . .

Senate Bill 90 which is found at Acts 1975, 64th Leg., ch. 218, p. 551, establishes the rate of contribution for members of the Employees Retirement System, providing in part:

Effective September 1, 1975, the amount contributed by each member of the Retirement System shall be six per cent (6%) of the annual compensation paid to each member, except that members of the Texas Legislature shall contribute eight per cent (8%) of such compensation.

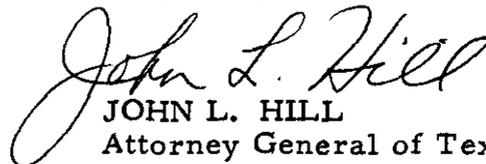
We have no specific legal precedent to guide us, and there is some ambiguity created by the exception contained in Senate Bill 90. However, in our opinion the Legislature probably intended judges to contribute at the same rate as other employees in general. We believe the logical view is that the Legislature would have expressly referenced House Bill 1324 to the exception in Senate Bill 90 had it intended to require the higher rate of judges.

Both bills will be effective on September 1, 1975. Accordingly, in our opinion judges must contribute six per cent (6%) of their annual compensation paid by the State to the Judicial Retirement System beginning September 1, 1975.

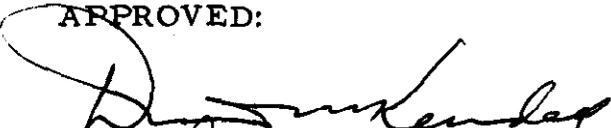
SUMMARY

Beginning September 1, 1975 judges must contribute 6% of their annual compensation paid by the State to the Judicial Retirement System.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee

jad: