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RQ-0128-JC

Sherri Greenberg
Chair

Dale B. Tiller
Vice-Chair

Committee on Pensions & Investments

Texas House of Representatives

FILE # ML-41055-97
I.D. # 41055

OFFICE OF THE ATTORNEY GENERAL
Executive Administration (001)

P O. Box 12548
Austin, TX 78711

The Honorable John Cornyn
Attorney General
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

OCT 04 1999

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1018 Liz Robinson
cc: Thomas Glenn

September 28, 1999

Opinion Comm.

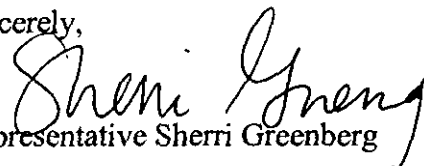
Dear General Cornyn:

Please accept this letter as a request for an Attorney General opinion regarding the authority of a water district to establish a retirement plan for the district directors.

I respectfully request your opinion on Section 49.069(b) Water Code, under the heading of "Employee Benefits". Does this language authorize the district to establish a retirement plan for district directors? In addition, does a director fit the definition of an individual who "performs service" for an "eligible employer" according to Section 457(b) of the Internal Revenue Code of 1986?

Thank you for your time and attention to this request. I look forward to receiving your opinion. Please do not hesitate to call Juliane Baron at 463-2054 with any questions.

Sincerely,


Representative Sherri Greenberg

cc: Elbert Hooper
Gary B. Black

P.O. Box 2910 ★ Austin 78768-2910 ★ 512-463-2054

Members:

Dennis Bonnen ★ Ron Clark ★ Kenn George ★ Irma Rangel
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Juliane Baron, Chief Clerk