

ORP-related Attorney General's Opinions

AGO #	AGO Date	Summary
M-196	02/68	Validity of certain sections of ORP act.
M-420	06/69	ORP vesting: effective after one year and can be with more than one company, but only one institution (revoked by H-99, 1973).
M-595	03/70	No life insurance in ORP contracts (revoked by MW-244, 1980).
M-647	06/70	Teachers and auxiliary employees must be member of either TRS or ORP; if return to TRS, cannot receive TRS credit for time in ORP.
M-1027	12/71	No series of elections: only one-time choice between TRS and ORP.
H-99	09/73	Revokes a section of M-420 on ORP vesting: can be with more than one institution.
H-371	08/74	Only one election; if choose, then have educational absence, cannot choose again upon return.
H-532	02/75	Benefits available only upon termination, retirement, death or total disability; transfers allowed but benefits must remain unavailable; no loans either.
H-1060	09/77	Can transfer from one ORP to another as long as not used as access to benefits.
H-1184	06/78	One-time option to participate in ORP; ISD employees not eligible.
H-1277	12/78	Governing board may not make a rule defining "full-time" employment for ORP eligibility purposes to mean TRS definition of "one-half time or more of standard workload"; must use "plain language" interpretation of full-time (100%).
MW-244	09/80	1973 amendments to ORP statute allow incidental death benefits as defined in IRS Revenue Ruling 70-581 (revokes M-595, 1970).
MW-548	12/82	Governing board may provide for 403(b) investments such as mutual funds, money market funds or fixed or variable annuities; benefits are available only upon termination; legislature intended a single system of regulation for ORPs.
JM-691	05/87	Institutions can limit the number of ORP companies but not TSA companies (interpretation of HB 1824, 1985).
LO-88-88	08/88	Vesting issues should be resolved by the institutions, not AG.
JM-1151	03/90	Rider 31 of Art. III of FY90-FY91 General Appropriations Act is invalid to extent it attempts to expand class of ORP-eligible employees (TAMU extension employees).
LO-93-48	06/93	If provisions allowing a different rate of state contributions to TRS and ORP were challenged as violating the equal protection clause of the 14th amendment of the U.S. Constitution, a court would probably use the rational basis test to determine their validity.
DM-271	11/93	ORP statute permits institutions to limit vendors and scrutinize the quality of their products.
LO-96-133	12/96	The General Appropriations Act's prohibition on institutional use of local funds to supplement state contribution for ORP participants hired since 09/01/95 is not unconstitutional.