



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

July 26, 1972

Honorable Robert S. Calvert
Comptroller of Public Accounts
State Finance Building
Austin, Texas 78711

Opinion No. M-1181

Re: Eligibility of former State
employee for Texas Ranger
Pension.

Dear Mr. Calvert:

You have requested our opinion on the eligibility of a former State employee to receive a Texas Ranger Pension provided by the provisions of Section 66 of Article XVI of the Constitution of Texas and Article 6228e, Vernon's Civil Statutes, under the facts submitted.

The file enclosed with your request reveals the following facts concerning the applicant. The applicant was employed as a regular Texas Ranger from July 1, 1919, to August 31, 1921. The applicant was employed as a State employee by the Texas Employment Commission from March 20, 1951, through August 23, 1952. Following his employment by the Texas Employment Commission, the applicant withdrew from the Employees Retirement System of Texas and was refunded the total amount standing to his credit in the Employees Retirement System of Texas. You have determined that under these facts the applicant is not eligible for a Texas Ranger Pension by reason of the provisions of Section 66 of Article XVI of the Constitution of Texas and Article 6228e, Vernon's Civil Statutes. We agree with your conclusions.

At the election in November, 1958, Section 66 of Article XVI of the Constitution of Texas was adopted and provides in part:

"The Legislature shall have authority to provide for a system of retirement and disability pensions for retiring Texas Rangers who have not been eligible at any time for membership in the Employees Retirement System of Texas as that retirement system was established by Chapter 352, Acts of the Fiftieth Legislature, Regular Session, 1947, and who have had as much as two (2) years service as a Texas Ranger, and to their widows; providing that no pension shall exceed Eighty

Dollars (\$80) per month to any such Texas Ranger or his widow, provided that such widow was legally married prior to January 1, 1957, to a Texas Ranger qualifying for such pension." (Emphasis added.)

Article 6228e, Vernon's Civil Statutes, likewise provides in part:

"Section 1. (a) Pensions to Former Texas Rangers. A pension of Eighty Dollars (\$80.00) per month shall be paid to each former Texas Ranger who meets the following conditions:

". . .

"(2) He has not been eligible at any time for membership in the Employees Retirement System of Texas;"

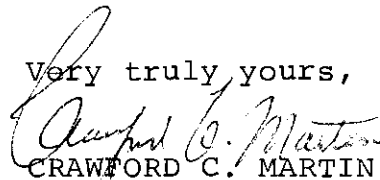
Under the facts submitted the applicant was not only eligible for membership in the Employees Retirement System of Texas, but was a member of the Employees Retirement System of Texas from March 20, 1951, through August 23, 1952.

Since the provisions of Section 66 of Article XVI of the Constitution of Texas and the enabling act (Article 6228e, Vernon's Civil Statutes) limit the payment of such pension to those retiring Texas Rangers who have not been eligible "at any time" for membership in the Employees Retirement System of Texas, you are advised that the file attached to your request reveals that the applicant in question is not eligible to receive a Texas Ranger Pension.

S U M M A R Y

A former State employee who was eligible to be a member of the Employees Retirement System of Texas is not eligible to receive a Texas Ranger Pension under the provisions of Section 66 of Article XVI of the Constitution of Texas and Article 6228e, Vernon's Civil Statutes.

Very truly yours,


CRAWFORD C. MARTIN

Attorney General of Texas

Prepared by John Reeves
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

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