



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

January 17, 1975

The Honorable Dolph Briscoe  
Governor of Texas  
State Capitol  
Austin, Texas 78711

Opinion No. H-497

Re: Validity of proposed  
appropriation to the Teacher  
Retirement System and to the  
Employees Retirement System.

Dear Governor Briscoe:

You have requested our opinion concerning the constitutionality of proposed legislation which would appropriate sums out of the General Revenue Fund to the Employees Retirement System of Texas and the Teacher Retirement System of Texas to fund increases in the retirement and other benefits of currently retired members of those systems.

The Employees Retirement System was created under the authority of article 16, section 62, of the Texas Constitution which provides in part:

The amount contributed by the state to such Fund shall equal the amount paid for the same purpose from the income of each such person, and shall not exceed at any time six per centum (6%) of the compensation paid to each such person by the state.

The Teacher Retirement System was created under the authority of article 3, section 48a, of the Texas Constitution, which provides in part that:

In addition to the powers given the Legislature under Section 48, Article III, it shall have the right to levy taxes to establish a fund to provide retirement, disability and death benefits for persons employed in the public schools, colleges and universities supported wholly or

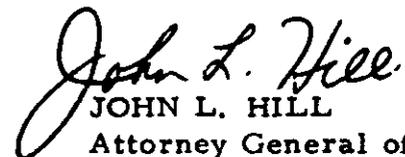
partly by the state; provided that the amount contributed by the state to such fund each year shall be equal to the aggregate amount required by law to be paid into the fund by such employees, and shall not exceed at any time six per centum (6%) of the compensation paid each such person by the state and/or school districts; . . .

Accordingly, the Legislature is free to appropriate such funds as it desires to these two retirement systems so long as those appropriations are within the above referenced limits clearly established in the Constitution.

SUMMARY

The Legislature may appropriate funds to the Employees Retirement System and to the Teacher Retirement System but only to the extent that the total amounts contributed by the State do not exceed the limits imposed by article 16, section 62, and article 3, section 48a of the Texas Constitution.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
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DAVID M. KENDALL, First Assistant

  
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C. ROBERT HEATH, Chairman  
Opinion Committee

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