



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Bayne Satterfield, Commissioner
Firemen's Pension Commission
P. O. Box 1062
Austin, Texas

Dear Mr. Satterfield: Opinion No. O-6583

Re: Eligibility of a fireman who
resigned from his fire department
on April 15, 1944, to receive a
twenty-year certificate, as pro-
vided in Senate Bill No. 89 of the
49th Legislature.

We beg to acknowledge receipt of your request for an
opinion by this Department touching the above subject matter.
Your request calls for a construction of Section 6 of the Fire-
men's Pension Act, as amended in Senate Bill No. 89 of the Regu-
lar Session of the 49th Legislature.

Section 6, as thus amended, is in its entirety as fol-
lows:

"On and after the 1st day of April, A. D. 1939,
any person who has been duly appointed and enrolled,
and who has attained the age of fifty-five (55)
years and who has served actively for a period of
twenty (20) years in some regularly organized fire
department in any city or town in this state now
within or that may come within the provisions of
this Act, in any rank, whether as wholly paid, part
paid or volunteer firemen, shall be entitled to be
retired from such service or department and shall
be entitled to be paid from the Firemen's Relief
and Retirement Fund of that city or town, a month-
ly pension equal to one-half of his average month-
ly salary not to exceed a maximum of One Hundred
Dollars (\$100.00) per month; such average monthly
salary to be based on the monthly average of his

Honorable Bayne Satterfield - page 2

salary for the five (5) year period preceding the date of such retirement; provided further, that if his average monthly salary is Fifty Dollars (\$50.00) or less per month or if a volunteer fireman with no salary, he shall be entitled to a monthly pension or retirement allowance of Twenty-five Dollars (\$25.00). Notwithstanding any other provision of this Act, it is hereby specially provided that any eligible and qualified fireman who shall have completed twenty (20) years of service before reaching the age of fifty-five (55) years may apply to the Board of Trustees for, and it shall be the Board's duty to issue, a certificate showing the completion of such service and showing and certifying that such fireman, when reaching the age of fifty-five (55) years, will be entitled to the retirement and other applicable benefits of the Act; provided further, that when any fireman shall have been issued such certificate he shall, when reaching retirement age, be entitled to all the applicable benefits of the Act, even though he shall not have been engaged in active service as a fireman after the issuance of such certificate. Provided further, that in order to participate in the benefits authorized under this Act all persons shall continue to pay into the Firemen's Relief and Retirement Fund the amounts provided for all participants thereunder up to the time of their retirement."

This Section repeats verbatim Section 6 of Chapter 125, Acts of the Regular Session of the 45th Legislature, and adds that portion of the above quotation which we have underscored for convenience sake.

We think it is plain from the specific language of the newly added matter to Section 6 that the Legislature intended that any eligible and qualified fireman, who shall have completed twenty years of service before reaching the age of fifty-five years, would be entitled to the certificate showing such service, whether such completion is before or after the effective date of Senate Bill 89, provided it is on or after the 1st day of April, A. D. 1939.

In your letter of request you refer to Senate Bill No. 89 as being effective March 23, 1945. We call your attention to the fact that while the Bill was approved March 23,

Honorable Bayne Satterfield - page 3

1945, and while it literally carries the emergency clause, it did not receive the necessary majority, and will become effective ninety days after the adjournment of the present Legislature.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APR 22 1945
Shorn Sellers
ATTORNEY GENERAL OF TEXAS

By

Osie Spear
Osie Spear
Assistant

OS-MR

