



**THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS**

**PRICE DANIEL
ATTORNEY GENERAL**

February 16, 1949

Hon. G. M. Williams
Firemen's Pension Commissioner
Austin, Texas

Opinion No. V-775.

Re: The eligibility of a Texas fire-
man for disability or death
benefits due to injury incurred
in line of duty outside the bound-
aries of Texas.

Dear Sir:

Your letter of request for an opinion upon
the above subject matter is as follows:

"I have a problem that just came up this
week that is not stated clearly in our
Pension Law and it is in regard to the
Fire Department operations in Texarkana,
Texas and Arkansas.

"Texarkana has two separate Fire Depart-
ments - The Texas and Arkansas Depart-
ments but they operate together downtown.

"The question asked by the Texarkana,
Texas Fire Chief is - would his men be
covered by the Texas Pension compensation
in case of permanent injury or accidental
death in line of duty in Arkansas."

Texarkana, Texas is a Texas municipality pre-
cisely as other Texas cities. The city is a government-
al agency of the State precisely as all other incorpor-
ated cities. It is elementary that the State laws, and
municipal laws of cities within the State, have no ex-
tra-territorial effect but are intended to apply and do
apply only to persons and things within the State or
cities, respectively.

The Texas Pension Law affecting firemen is
state-wide in its application, but its application stops

at the State lines. In like manner, the ordinances and statutory powers of incorporated cities in the State apply throughout the territories of the respective cities, but stop at their city limits.

It is elementary that public officers and agencies of incorporated cities, have only such powers as are given to them by law, either expressly or by necessary implication.

We know of no law that would authorize any mutual agreement or arrangement whatsoever between the twin cities of Texarkana, Texas and Texarkana, Arkansas, with respect to fire protection that would operate as matter of law to extend the State pension benefits to a Texas fireman injured in Texarkana, Arkansas, unless it be such a situation as that the injured fireman would be considered as acting within the scope of his duty under the Texas statute.

In connection with your request, you send us a copy of a Resolution adopted by the City of Texarkana, Texas and a letter of the Chief of the Fire Department of Texarkana, Texas, saying that Texarkana, Arkansas has adopted a similar resolution. The resolutions respectively provide for the joint answering of fire alarms from a defined area along the State line, going quite into detail so as to make the joint activities a protection to both cities.

The over-all purpose of organized fire departments is the protection of the public within the municipal limits from fires, whether such fires originate inside or outside the city limits. It is the opinion of this office that with or without formal action or agreement whatsoever between the two cities, the fire department of Texarkana, Texas would be within the scope of its powers and performance of its duties to respond to any fire alarm that indicated a threat to the Texas city, whether such fire be in the city or across the line in the City of Texarkana, Arkansas. It is the further opinion of this office that such firemen would have the right to go into Texarkana, Arkansas for the purpose of combating any fire that would endanger Texarkana, Texas, provided always, that the circumstances were such as to produce a reasonable necessity therefor to protect the Texas city. Under such circumstances they would be entitled to compensation benefits for injury in Texarkana, Arkansas the same as in Texarkana, Texas

While the reciprocal resolutions of the two cities do not have the force of law, as above explained, they nevertheless are worthwhile and have an important bearing factually in the determination of whether or not the respective firemen are really in the discharge of their statutory and municipal duties in crossing the State line. Each such instance presents a fact situation within itself which might control the particular case.


SUMMARY

A city fireman engaged in assisting in the extermination of a fire outside of the City of Texarkana, Texas beyond the State line in the City of Texarkana, Arkansas, would be covered by the Texas Firemen's Pension Compensation Statute for an injury received by him if such activities were reasonably necessary for the proper discharge of his duties as a Texarkana, Texas fireman.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By


Ocie Speer
Assistant

OS:wb

APPROVED:


PRICE DANIEL
ATTORNEY GENERAL