



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

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ATTORNEY GENERAL**

January 14, 1976

The Honorable Hal H. Hood
Firemen's Pension Commissioner
503-F Sam Houston State Office
Building
Austin, Texas 78701

Opinion No. H-763

Re: Whether a firemen's relief and retirement fund is eligible under Article 6243e.2, V.T.C.S., to receive an annual apportionment from the state appropriation.

Dear Commissioner Hood:

You have requested our opinion regarding whether a firemen's relief and retirement fund is eligible under article 6243e.2, V.T.C.S. to receive an annual apportionment from the state appropriation. Although section 3 of article 6243e.2 provides that the fund created therein "shall continue to receive annually any money appropriated by the legislature which the fund received in prior years," you have expressed doubt as to the efficacy of this appropriation in view of the apparent conflict between the reporting provisions of article 6243e.2 and article 6243e, section 3, V.T.C.S.

Article 6243e.2, section 2, requires the board of firemen's relief and retirement fund trustees to file an annual financial report with the city treasurer by January 31 of each year. Article 6243e, on the other hand, directs the board to file such report with the Firemen's Pension Commissioner.

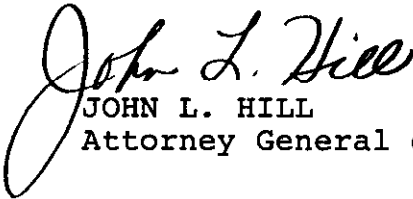
Article 6243e, section 3, speaks in general terms that are applicable to all firemen's relief and retirement funds. Article 6243e.2, however, is specifically limited in its application to "incorporated cities having a population of not less than 1,200,000 according to the last preceding federal census, and having a fully paid fire department."

It is well established that, where a general and a more specific statute are in conflict, the specific prevails. GMC Superior Trucks, Inc. v. Irving Bank & Trust Co., 463 S.W.2d 274 (Tex.Civ.App. -- Waco 1971, no writ). Thus, in those cities to which article 6243e.2 is applicable, it is our opinion that the trustees of the firemen's relief and retirement fund should file their report with the city treasurer, as provided in the statute. Furthermore, since there is no irreconcilable conflict between the reporting provisions of article 6243e.2 and article 6243e, it would appear that article 6243e.2, section 3, is valid, and, in accordance therewith, the firemen's relief and retirement funds in the affected cities are eligible to receive an annual apportionment from the state appropriation. You do not ask, and we do not consider, the effect, if any, of the appropriations rider found at Acts 1975, 64th Leg., ch. 743, p. 2417, 2601.

S U M M A R Y


As to all cities to which article 6243e.2, V.T.C.S., is applicable, the firemen's relief and retirement fund therein should file its annual financial report with the city treasurer. Article 6243e.2, section 3, is valid, and the firemen's relief and retirement funds in affected cities are eligible to receive an annual apportionment from the state appropriation.

Very truly yours,




JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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