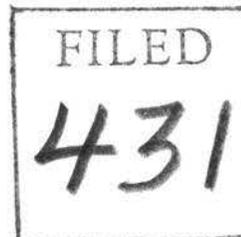


November 17, 1967

OPINION NO. 431  
Answered by letter-Denman

Honorable E. J. Cantrell  
State Representative  
33rd District  
3406 Airway  
Overland, Missouri 63114



Dear Representative Cantrell:

This is in answer to your request for an official opinion of this office which reads as follows:

"Does House Bill #143, as passed during the 74th General Assembly, apply to paid employees of Fire District Employees as well as to Municipal Fire Department Employees?"

The Bill in question provides that:

"Section 1. Notwithstanding the provisions of any law to the contrary, after five years service, any condition of impairment of health caused by any disease of the lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department, who successfully passed a physical examination within five years prior to the time a claim is made for such disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in line of duty, unless the contrary be shown by competent evidence.

"This act shall apply only to the provisions of Chapter 87, RSMo, 1959."

Chapter 87, RSMo 1959, entitled "Firemen's Retirement And Relief Systems" provides for pension plans for firemen employed by

Honorable E. J. Cantrell

cities, villages or incorporated towns. Section 87.010. There is no mention of employees of fire prevention districts authorized by Chapter 321, RSMo 1959, as amended.

The second paragraph of House Bill 143 specifically provides that the bill shall apply only to the provisions of Chapter 87 which would seem to be a clear declaration that its provisions do not apply otherwise.

As originally introduced, the bill did not contain this paragraph but it is now contained in the bill as "Truly Agreed To and Finally Passed". Therefore, it is our opinion that the provisions of House Bill 143 apply only to the provisions of Chapter 87 and do not apply to fire prevention districts.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

JHD:maw