

May 7, 1959

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Mr. Ted O. Mullen  
Director of Civil Defense  
1623 W. Washington St.  
Phoenix, Arizona

Dear Sir:

This letter will belatedly acknowledge receipt of your letter of March 24, 1959, wherein you submit for an opinion the following question:

"Can the Arizona Joint Merit System Council legally take jurisdiction in administering a State Merit System without first having been created by the Legislature?"

We assume that you mean jurisdiction with respect to the Department of Civil Defense. The answer is No.

The Arizona Merit System Council is not created by any law enacted by the legislature but was created and now exists under a joint agreement between the state board of public welfare, the employment security commission, and the state department of health. The legislature by specific enactment authorized these departments to establish and operate upon the merit basis and pursuant to that authority these departments entered into the joint agreement referred to creating the Arizona Merit System Council.

We enclose Opinion No. 59-25, January 2, 1959, whereby the Attorney General held that these three departments could create a merit system council and delegate to the council the functions of maintaining the merit system for those departments.

Yours very truly,

WADE CHURCH  
The Attorney General

LESLIE C. HARDY  
Chief Assistant Attorney General

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