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August 14, 1969

DEPARTMENT OF LAW LETTER OPINION NO. 69-19-L (R-91)

REQUESTED BY: THE HONORABLE THELTON D. BECK
Yavapai County Attorney

- QUESTIONS:
1. Under A.R.S. § 11-263 may the fifty per cent amount of the cost of procuring health, accident and life insurance for county officers, agents and employees, which counties are authorized to expend, include an amount for payment of any portion of a premium applicable to insurance coverage for dependents of the counties' officers, agents and employees?
 2. Does the fifty per cent limitation in A.R.S. § 11-263 prohibit a county from paying the entire premium for a particular officer, agent or employee (but not for dependent coverage) if the premium for the individual officer, agent or employee and his dependents would equal or exceed twice the premium for the officer, agent or employee alone?

- ANSWERS:
1. No.
 2. Yes.

A.R.S. § 11-263 provides:

"Counties may expend public funds, in amounts not exceeding fifty per cent of the total cost, to procure health, accident and life insurance for their officers, agents and employees."

The Arizona Court of Appeals in Odle v. Shamrock Dairy of Phoenix, Inc., 7 Ariz.App. 515, 441 P.2d 550 (1968), at page 518, said:

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"* * * The legislature is presumed to express its meaning as clearly as possible and therefore words used in the statute are to be accorded their obvious and natural meaning. . . ."

We note that A.R.S. § 11-263 contains no reference to or mention of "dependents", and it seems to us that dependents are not included in any obvious and natural meaning that can be ascribed to "officers", "agents" and "employees".

Our Court of Appeals in Bonnin v. Industrial Commission, 6 Ariz.App. 317, 432 P.2d 283 (1967), said, at page 320:

"The cardinal rule of statutory interpretation is that the intent of the legislature must be ascertained and followed. Where that intent appears in plain language, the courts cannot extend the meaning so expressed; rather, they must observe the obvious and natural import of the words."

The words in A.R.S. § 11-263 are clear and unambiguous regarding the categories of individuals for whom counties are authorized to expend funds for insurance coverage. We find no authority or reason for concluding that the Legislature intended that dependents be included in the terms "officers", "agents" or "employees". To include dependents in A.R.S. § 11-263 would require us to find that the Legislature intended to include a fourth category of individuals, viz., dependents, for whom counties could expend funds to provide insurance. Such a finding would constitute a usurpation of the legislative function by the Attorney General.

It is our opinion, therefore, that counties may not expend public funds to pay any part of any premium applicable to insurance coverage of dependents of county officers, agents and employees. Counties are authorized to pay no more than fifty per cent of the cost of providing insurance coverage for each individual county officer, agent and employee.

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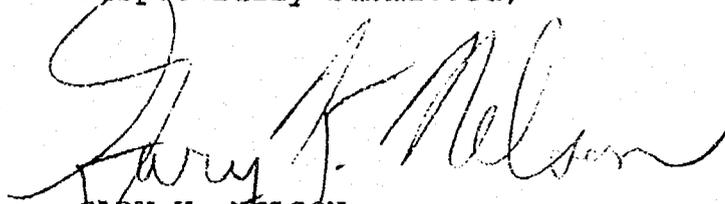
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Insurance coverage for the dependents of county officers, agents and employees may be included in a group policy, but the entire cost of that part of premiums which is applicable to coverage of dependents must be borne by the officers, agents and employees.

It is our opinion further, based upon the foregoing, that the fifty per cent limitation prohibits a county from paying the entire premium (or any amount in excess of fifty per cent) applicable to a particular county officer, agent or employee when the premium for the officer, agent or employee and his dependents would equal or exceed twice the premium for the county officer, agent or employee individually.

Respectfully submitted,



GARY K. NELSON
The Attorney General

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