

July 28, 1937

Hon. James E. Babbitt
State Senate
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Senator Babbitt:

An examination of Chapter 70, Laws of the Regular Session, 1937, shows the following: Section 2 of the Act prescribes the qualifications for assistance under the Act. It is made the duty of the county and state boards to determine the eligibility of applicants for the pension. In determining such eligibility insofar as the State is concerned, nothing is necessary save to require compliance with Chapter 70. Whenever Chapter 70 is complied with, and the applicant brings himself within its provisions, he is entitled to be paid the pension by the State. This however cannot be done until these requirements are met and the pensioner is accepted by the State Board.

In the practical working out of the plan between the State and the Federal Government, the pension is in the first instance paid by the State to the pensioner in full and the State is then reimbursed for the agreed proportion thereof by the Federal Government. It is my understanding that the Federal Government has set up more stringent rules and regulations than are set up in the State law, and that there may be a considerable number of old age pensioners who may qualify for pensions under the State law who cannot qualify for pensions under the Federal law. However, as before stated in this opinion, the only qualifications required for eligibility for the State pension are those set forth in the Act itself, and in my opinion no more stringent regulations may be placed upon the pensioners than are placed by the Act itself.

So far as can be determined from the Act, whenever a pensioner qualifies under the State law, there is no reason why the State should not pay the amount of pension allowed.

I trust this answers your requirements.

Very truly yours,

J. E. CONWAY
Attorney General

E. G. FRAZIER
Special Assistant
Attorney General

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