

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

*Checked
RC*

*W
1/10/51*

January 12, 1951

Op. No. 51-15 ✓

Mr. Wayne R. Gibson
Executive Secretary
Arizona Teachers' Retirement System
405 Luhrs Tower
Phoenix, Arizona

m/r

Dear Mr. Gibson:

We have your letter in reference to the membership eligibility of Mrs. Rosa E. Lauzon under the Teachers' Retirement Act.

You state Mrs. Lauzon has completed twelve years' service as a teacher in the schools of Arizona and nine years out-of-state public school employment. You also state she concluded her employment in the Arizona schools in May, 1943, and has not been employed in the schools of Arizona since the last mentioned date, nor has she been certified as a teacher since 1943.

You ask our opinion as to whether Mrs. Lauzon is entitled to a prior service certificate under the Teachers' Retirement Act.

Section 54-1704 ACA 1939, Supplement, declares who are members of the System. This section reads in part as follows:

"(a) Any person who becomes an employee after July 1, 1943, shall become a member of the retirement system within one (1) year after the date of his first employment, as a condition of further employment.

(b) Any person who is an employee as of the effective date of this act shall become a member of the retirement system as of July 1, 1943, unless, prior to July 1, 1943, he files with the board of trustees, on a form prescribed by it:
* * * (here are provisions for claiming exemption) (Emphasis supplied).

Wayne R. Gibson, Di
Executive Secretary
Teachers' Retirement System

Page two
January 12, 1951

Section 54-1705 ACA 1939, Supplement, provides for prior service credits (This section is in part as follows):

"(a) Each member who was an employee in this state, at any time prior to the establishment of the retirement system, and who became a member before January 1, 1947, shall file a statement of prior service, setting forth in detail all service rendered by him within the state for which he claims credit, and as a teacher without the state. Any member who was not an employee at any time during the year immediately preceding the establishment of the retirement system and who became a member before January 1, 1947, shall file a statement of prior service within the state only. * * *"
(Emphasis supplied)

From the facts stated in your letter Mrs. Lauzon was not in service when the law became effective (July 1, 1943) and did not become a member of the system before January 1, 1947, or at any time thereafter. Section 54-1705, which provides for prior service credits, states that only members of the System may receive prior service credits.

It is our opinion Mrs. Lauzon is not a member of the System and is not entitled to credit for prior services under said Section 54-1705.

Very truly yours,

FRED O. WILSON
Attorney General

EARL ANDERSON
Assistant Attorney General

EA:f