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October 10, 1997

The Honorable John A. Loredo
Arizona House of Representatives
State Capitol Complex
1700 West Washington Avenue
Phoenix, Arizona 85007-2848

Re: I97-013 (R97-041)

Dear Representative Loredo:

You have asked several questions concerning the geographic boundaries of the Arizona Works pilot program ("pilot") enacted pursuant to Arizona Revised Statutes Annotated ("A.R.S.") § 46-343(B)(2). You also have inquired about the responsibilities of the Department of Economic Security ("DES") in establishing those boundaries and in providing staff and program services within those boundaries. We conclude that the Legislature established the DES Division of Benefits and Medical Eligibility District I-E, Maricopa County-East ("District I-E") as the lawful site for the first year of the Arizona Works pilot, and that the Legislature relieved DES of all responsibilities for the pilot program.

Background

In 1990, DES established districts as part of a legislative directive to create district offices in various geographical areas of the State. A.R.S. § 41-1961. District I-E, like all other DES districts, is staffed by representatives of DES who are responsible for planning, programs, and intra- and interagency coordination within the district. *Id.*

In 1997, as part of its welfare reform legislation, the Arizona Legislature created the Arizona Works program, which provides programs and services to needy families whose adult members must work or make some effort related to work in order to receive public assistance. 1997 Ariz. Sess. Laws ch. 300, § 58 (effective July 21, 1997 and codified as A.R.S. §§ 46-341 through 355). This legislation created the Arizona Works Agency Procurement Board ("Procurement Board") to do the following:

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[e]stablish a two phase pilot program that designates the Division of Benefits and Medical Eligibility District I-E, Maricopa County-East of the Department of Economic Security as the pilot site to be implemented during the first year of the pilot program. Nine months after implementation of the first pilot site, a second pilot site shall be selected by the Procurement Board in a rural district. The District I-E pilot will continue and the pilot program will be implemented in the second pilot site twelve months after implementation in the first pilot site.

A.R.S. § 46-343(B)(2). The legislation authorizes the Procurement Board to contract with an outside vendor to take applications and perform eligibility determinations for welfare programs including cash assistance, child care, food stamps, Medicaid, and general assistance.
A.R.S. § 46-343.

Analysis

The best and most reliable evidence of a statute's meaning is its language. *Jenkins v. First Baptist Church*, 166 Ariz. 243, 245, 801 P.2d 478, 480 (App. 1990). When the statutory language is clear and unambiguous, we will give effect to the language without resorting to other rules of statutory construction. *Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991).

Here, the Legislature established a two phase pilot program. The Legislature specifically designated the "Division of Benefits and Medical Eligibility District I-E, Maricopa County-East of the Department of Economic Security" as the first phase of the pilot. A.R.S. § 46-343(B)(2). The Legislature authorized the Procurement Board to select a second pilot site in a rural district nine months after implementation of the first pilot site. *Id.*

By specifically selecting District I-E as the first pilot site, the Legislature incorporated the existing DES District I-E into the Arizona Works program. *Cf. State v. Williams*, 119 Ariz. 595, 598-99, 583 P.2d 251, 254-55 (1978) (by reference to federal standards already in existence, the Legislature incorporates the standards as part of the law). The Legislature's specific incorporation of DES District I-E into the Arizona Works legislation is a lawful direct enactment establishing the boundaries of the first pilot site, not an improper legislative delegation. *Id.*

Here, although the Legislature authorized the Procurement Board to select the location for the second pilot site, the Legislature did not permit the Procurement Board to recast the boundaries selected by the Legislature for the first site. See A.R.S. § 46-343(B)(2); see also *Swift & Co. v. State Tax Comm'n*, 105 Ariz. 226, 230, 462 P.2d 775, 780 (1969) (any action by an administrative agency beyond the legislative standards is a usurpation of constitutional powers vested only in the Legislature). Because the statute is clear on its face on this point, there is no need to resort to secondary interpretive aids such as legislative history. See *Carrow Co. v. Lusby*, 167 Ariz. 18, 20, 804 P.2d 747, 749 (1990) (the language of a statute is given its plain and ordinary meaning).

Furthermore, DES may not change the geographic boundaries set by the Legislature for the first site. See *Hunt v. Norton*, 68 Ariz. 1, 11, 198 P.2d 124, 130 (1948) (members of a Commission may not ignore a statute's plain directive). In Arizona, it has long been established that a term used in a statute should be given a definition consonant with the meaning of the term when the statute was passed. *Maricopa County Mun. Water Conservation Dist. No. 1 v. Southwest Cotton Co.*, 39 Ariz. 65, 77-78, 4 P.2d 369, 374 (1931), modified on other grounds, 39 Ariz. 367, 7 P.2d 254 (1932). If the Legislature had intended a different result (e.g., that either DES or the Procurement Board could change the geographic site of the first pilot program), then the Legislature would not have defined the site with particularity, or it would have expressly granted authority to the Procurement Board to change the location. See *City of Phoenix v. Donofrio*, 99 Ariz. 130, 133, 407 P.2d. 91, 93 (1965) (a court will not read into a statute something not within the manifest intent of the Legislature as indicated by the statute).

Pursuant to legislative directive in A.R.S. § 46-134(A), DES must administer all forms of public assistance unless the Legislature designates another agency to do so. The Arizona Works legislation replaces DES with a contractor selected by the Procurement Board to implement the Arizona Works program. A.R.S. § 46-342(A).¹ The Procurement Board will draft and award the contract to the outside vendor. A.R.S. § 46-343(B)(4). Unless DES assumes staffing or programming responsibilities by contract with the vendor, DES is

¹ Section 46-342(A), A.R.S., mandates that

The state shall contract with an outside vendor to operate the Arizona Works program and shall comply with the requirements established pursuant to this article. The contract shall require the vendor to operate the Arizona Works program within geographical areas of this state established by the Arizona Works Agency Procurement Board pursuant to section 46-343 on a pilot basis to verify the vendor's ability to meet the contract requirements and accomplish the goals of the Arizona Works program.

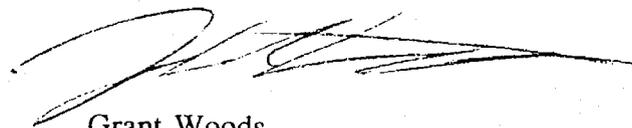
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relieved of its legal responsibility to administer any form of public relief and assistance that is provided by the Arizona Works program. A.R.S. § 46-134(A).

Conclusion

We conclude that DES's existing District I-E is the lawful site for the first Arizona Works pilot program, and that DES is relieved of all staffing and programming responsibilities for the pilot program.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Woods", written over a horizontal line.

Grant Woods
Attorney General