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ARIZONA ATTORNEY GENERAL

March 11, 1985

The Honorable James B. Ratliff
Arizona State Representative
State Capitol, House Wing
1700 West Washington
Phoenix, Arizona 85007

Re: I85-035 (R85-021)

Dear Representative Ratliff:

You have asked whether A.R.S. § 38-842(12), which defines "eligible groups" for membership in the public safety personnel retirement system (system), may be interpreted to include fire fighters employed full time by fire districts. We conclude that fire fighters employed by fire districts may not be members of the public safety personnel retirement system merely on account of such employment.

A.R.S. § 38-842(12) provides:

"Eligible groups" [for membership in the public safety personnel retirement system] means only those municipal police officers, municipal fire fighters, state highway patrol officers, county sheriffs and deputies, fish and game wardens, penitentiary guards and college campus police officers regularly assigned to hazardous duty.

(Emphasis supplied).

In Ariz.Atty.Gen.Op. I80-191, we specifically addressed the definition of "eligible groups" as it existed at that

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time.¹/ We concluded, in that opinion, that only those groups of employees specifically enumerated in the definition of "eligible groups" were entitled to participate in the system. We specifically stated, in relevant part:

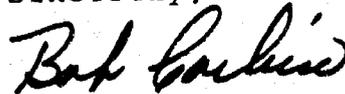
The amended statute clearly limits the definition of "eligible groups" to those specifically enumerated therein. Thus, inasmuch as [Arizona Drug Control] District employees are not listed under the groups eligible for coverage, the legislature has clearly expressed its intent that employees of the District . . . are not entitled to participate in the System.

(Emphasis supplied in original.) The reasoning of Ariz. Atty. Gen. Op. 180-191, as it applied to the Arizona Drug Control District employees, likewise applies to fire fighters who are not "municipal fire fighters."

Fire fighters employed full time by fire districts are not "municipal fire fighters" since a fire district is a political subdivision, but not a municipality. See A.R.S. § 9-1001 et seq. which sets forth the procedures for formation in government of fire districts.

It is therefore clear from both the statutory scheme and our previous interpretation of the statute governing membership in the public safety personnel retirement system that only municipal fire fighters, those persons employed by a city or town fire department, are eligible for membership in the public safety personnel retirement system, and that fire fighters employed by fire districts are not eligible for such membership as a benefit of the fire district employment.

Sincerely,



BOB CORBIN
Attorney General

BC:SMS:gm

1. Subsequently, that definition has been renumbered from paragraph 11 to paragraph 12. However, as that definition pertains to firefighters, our conclusions do not differ.