

April 14, 1933.

Mr. A. J. Mitchell,
Superintendent of Schools,
Nogales, Arizona.

Dear Sir:

In response to your letter of April 12th to the Attorney General in which you request his advise as to the meaning of a part of Section 1090, Revised Code of 1928, as amended by Chapter 67, Session Laws of 1933, I shall quote you a portion of an opinion rendered by the Attorney General upon the power of the county school superintendent in fixing the amount of the county per capita apportionment for schools.

"It is the opinion of the Attorney General that pursuant to the provisions of Section 1090, Revised Code of Arizona, 1928, as amended by Chapter 67, Session Laws of 1933, the county school superintendent has the discretionary authority to fix the county per capita to any figure not less than \$30.00 nor more than \$45.00. The power of the county school superintendent in this regard has not been changed by the enactment of the new law except as to the figure which may be used, and therefore the Attorney General's former opinion on this question may still be referred to."

From this opinion, it would seem that the Attorney General must believe that the county school superintendent may set an arbitrary figure and still stay within the meaning of the words "as will produce," used in Section 1090, supra.

Very truly yours,
Attorney General

JRM:w By Assistant Attorney General

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