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ARIZONA ATTORNEY GENERAL

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PHOENIX, ARIZONA

October 14, 1965

DEPARTMENT OF LAW LETTER OPINION NO. 65-38-L (R-142)

REQUESTED BY: A. N. Gandrud
Executive Secretary
Arizona School Boards Association

QUESTION: In view of the provisions contained in Section 15-1203.01, Method of Exceeding Limitation of Expenditures, is it still necessary for a school district to petition the county superintendent of schools to request authority to incur liabilities in excess of the budget, 6 percent limit check?

ANSWER: Yes.

Section 15-1203.01 provides as follows:

"A. Effective June 1, 1966, in addition to the procedures prescribed by the terms of Sections 15-1203 and 15-1245, the provisions of this Section shall be included as part of the method employed for the purpose of exceeding the limitation prescribed by Section 15-1201."

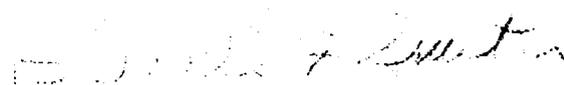
The statute then sets forth a procedure for the district to submit a copy of the proposed budget to the State Examiner with the supporting facts and data. The State Examiner then reviews the requests and prepares a written report which is transmitted to the Board of Supervisors for action as prescribed by Sections 15-1203 and 15-1245.

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Section 15-1245, Arizona Revised Statutes, requires the school district to petition the county superintendent of schools if it desires to incur liabilities in excess of the district budget. The county school superintendent is then required to forward the petition together with his recommendation and a copy of the budget of the district to the Board of Supervisors.

It is the opinion of the Attorney General that the procedure prescribed in Section 15-1203.01 A.R.S. is in addition to the procedure of Sections 15-1203 and 15-1245, and the school district is still required to petition the county school superintendent. There appears no legislative intent to repeal any of the provisions of Section 15-1245 A.R.S.

Respectfully submitted,


DARRELL F. SMITH
The Attorney General

DFS:tc