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March 13, 1935.

Hon. J. C. Wilson,
House of Representatives,
Phoenix, Arizona.

Dear Mr. Wilson:

In response to your oral request as to whether the legislature may legally appropriate in the general appropriation bill more than \$20 per capita per annum on all pupils in average daily attendance in the common and high schools of the state, will say that unless Section 1088, R. C. A. 1928, as amended by Chapter 65 Session Laws of 1933, is changed, it is my opinion the legislature would not have power to appropriate in excess of \$20 per capita.

Said Section 1088 as amended provides in effect that there shall be appropriated in the general appropriation act for common and high school education in the state not more than \$20 per capita.

It is the general law that you cannot legislate in the general appropriation bill, and it is, therefore, my opinion that until said section 1088 is amended the legislature could not legally appropriate for school purposes in excess of \$20 per capita.

Respectfully submitted,

Dudley W. Windes,
Special Assistant
Attorney General.

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