

March 24, 1937

Edith P. Martin
Superintendent of Schools
Apache County
St. Johns, Arizona

Dear Madam:

I submit herewith the following opinion in answer to the question contained in your letter of recent date, which reads as follows:

"Do teachers salaries have preference over any other bills of the school district?"

It is provided in Section 1026 of the Revised Code of Arizona 1928, as amended by the First Special Session of the Legislature in 1936, as follows:

"Board of Trustees shall use the school money received from the state and county school apportionment exclusively for the payment of salaries of teachers and other employees and contingent expenses of the district. All warrants registered after January 1, 1936, drawn on the County Treasurer against the school fund of the district by the County School Superintendent upon the order of the Board of Trustees, shall be entitled to preference of payment out of the school fund according to priority of registration".

Therefore, I am of the opinion that the salaries of teachers and other employees and the contingent expenses of the district, do have a preference over other obligations of the district as long as the district has funds on hand; but when the funds of the district received from the state and county school apportionment are exhausted and it becomes necessary to register warrants, the holders of these warrants are entitled to payment according to priority of registration.

In answer to your next inquiry relative to the rule

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adopted by the Board of Education that the principal must sign every voucher before a warrant can be written on same. Would you, as County School Superintendent, ever be justified in writing a warrant without this signature.

Your attention is directed to section 992 of the Revised Code of Arizona 1928, which provides in part as follows:

"On the order of the board of school trustees of any district, he (county school superintendent) shall draw his warrant on the county treasurer for all necessary expenses against the school fund of any such district; the warrants must be drawn in the order in which vouchers therefor are filed in his office."

Therefore, pursuant to this provision of our statutes, the county school superintendent has no authority to draw a warrant on the school fund without an order from the board of trustees of such district.

Your last inquiry as to whether or not a board of school trustees can legally overdraw their budgets, is answered as follows:

The only budget applicable to schools is the estimate of the county school superintendent and the estimate of the district boards, as provided in section 1090. This estimate is very different from the state, county and city budgets. It is not regulatory of the expenditures of the district but is merely a basis for the computation of the county and district school tax levies. It is therefore my opinion a board of trustees may legally overdraw their budget and when this is done the additional or extra expense must be met by registered interest bearing warrants, as provided in section 1026, as amended.

Trusting the above fully answers your inquiries, I am

Very truly yours,

JOE CONWAY
Attorney General

E. G. FRAZIER
Special Assistant
Attorney General

J. M. JOHNSON
Assistant Attorney General