



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

(R75-255)
McDougal
BRUCE E. BABBITT
ATTORNEY GENERAL
75-96

April 22, 1975

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ARIZONA ATTORNEY GENERAL

The Honorable Moise Berger
Maricopa County Attorney
101 West Jefferson
Phoenix, Arizona 85003

Re: Concurring Opinion No. 75-16-C

Dear Mr. Berger:

We are returning herewith a copy of your letter (School Opinion No. 75-13) dated April 14, 1975, addressed to Mr. William D. Lovett, Associate Superintendent, Mesa Public Schools, concerning the use of levy funds to purchase band uniforms.

This office concurs in your opinion.

Sincerely,

BRUCE E. BABBITT
Attorney General

MICHAEL M. SOPHY
Special Assistant Attorney General

MMS:lf

Enclosure

OFFICE OF THE MARICOPA COUNTY ATTORNEY

MOISE BERGER COUNTY ATTORNEY

400 SUPERIOR COURT BUILDING, 101 W. JEFFERSON, PHOENIX, ARIZONA



April 14, 1975

School Opinion 75-13

Requested by: William D. Lovett, Associate Superintendent
Mesa Public Schools
549 North Stapley Drive
Mesa, Arizona 85203

Question: May special levy funds raised under A.R.S. 15-445 be employed to purchase band uniforms?

Conclusion: No

You inquire that since the Attorney General in his opinion No. 56-62 allowed the purchase of band uniforms, would that opinion still have effect and allow the purchase under the present laws.

This opinion which you cite was issued in 1956 and is based on an interpretation of the statute as it existed at that time.

In 1956, A.R.S. 15-445 was in a different form. Section A listed six mandatory powers of the board which have since been removed from that section and consolidated in A.R.S. 15-442.

In 1956, Section B provided for a 10 cent levy usable only to purchase school sites, and to erect or purchase school buildings.

The language of the opinion indicates that it was interpreting Section A, which stated that the board "shall purchase...equipment... for the use of the schools."

The writer concluded that band uniforms were equipment for school use. It is not clear whether levy funds were involved in this question.

Since 1956, A.R.S. 15-445 has been amended five times and the present form has dropped the original section A describing board powers.

In its amended form, a new test for spending levy funds is now contained in Section B. Your question now is whether band uniforms can be considered "building furnishings".

I interpret building furnishings to be equipment that has some relation to a building, as drapes, carpeting, cabinets, furniture and the like. Band uniforms do not have any relation to a building and do not meet this test.

It is therefore my conclusion that under A.R.S. 15-445 in its present form, band uniforms may not be purchased with levy funds.

A copy of this opinion is being sent to the Attorney General for review.

MOISE BERGER
MARICOPA COUNTY ATTORNEY

BY Albert Firestein
ALBERT FIRESTEIN
CHIEF CIVIL DEPUTY

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