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File
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R75-496
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ATTORNEY GENERAL
75-257

August 12, 1975

Mr. Dennis De Concini
Pima County Attorney
131 West Congress Street
Tucson, Arizona 85701

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Dear Mr. De Concini:

Pursuant to your request we have considered whether the Arizona Drug Control District created by the Arizona Legislature (A.R.S. § 41-2121 et seq.) is a "budget unit" within the meaning of A.R.S. § 35-101.4. In our opinion, for the reasons set forth below, the Drug Control District is not a budget unit.

A.R.S. 35-101.4 "Budget unit" means a department, commission, board, institution or other agency of the state organization receiving, expending or disbursing state funds or incurring obligations against the state."

Generally, decisions interpreting that provision limit the definition of budget unit to those state agencies which can incur obligations against the general fund.

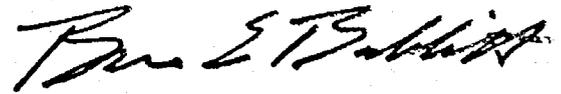
A.R.S. § 41-2154 provides:

"All funds received on behalf of the district shall be deposited in a special fund established by the state treasurer to be expended under the supervision of the council to effectuate the provisions and purposes of this chapter, except that such monies not immediately required may be invested by the state treasurer in a like manner as any other public monies. All amounts to be paid from the fund shall be on warrants drawn by the assistant director for the division of finance upon presentation of a proper claim or voucher approved and signed by the administrator. The fund shall be audited annually by the state auditor general.

to the administrator of the Arizona drug control district to carry out the purposes of this chapter."

The foregoing statutes require the creation of a special fund and limit expenditures to that fund. Moreover, the Drug Control District, governed by an independent council of state and local officials, is not a state agency within the administrative connotation of that term, being more nearly analogous to a political subdivision of the state. Accordingly, we conclude that the Drug Control District is not a budget unit within the meaning of A.R.S. § 35-101.4.

Sincerely,



BRUCE E. BABBITT
The Attorney General

BEB/am