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DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

BRUCE E. BABBITT  
ATTORNEY GENERAL

May 27, 1977

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ARIZONA ATTORNEY GENERAL

The Honorable Peter Corpstein  
Arizona State Representative  
House Wing, State Capitol  
Phoenix, Arizona 85007

Re: 77-112 (R77-55)

Dear Mr. Corpstein:

I have received and carefully reviewed your February 15, 1977, opinion request asking whether a school district bond election must be advertised once a week for four weeks or six days a week for five weeks. If the aggregate indebtedness resulting from a proposed bond issue is four per cent or less than the value of the taxable property in the school district, then the election must be advertised not less than once a week for three successive weeks, reading the provisions of A.R.S. § 15-1301 and § 15-1303 together:

No school district shall issue bonds for the purposes specified in this article [Art. 1, Ch. 13, Title 15] to an amount in the aggregate, including the existing indebtedness, exceeding four per cent of the value of the taxable property within the school district as ascertained by the last assessment of state and county taxes previous to issuing the bonds, and not exceeding six per cent under any other statutory authority. (A.R.S. § 15-1301)

\* \* \*

A. An election upon the question of bond issues shall be called by posting notices in three public places in the district, signed by the board calling the election, for not less than twenty days before the election, and by publishing the notice in a newspaper published in the county not less than once a week for three successive weeks. . . . (A.R.S. § 15-1303)

If the aggregate indebtedness resulting after a bond issue would exceed four per cent, then the notice of election must be published either in a daily paper six days a week for four

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weeks and two days in the fifth week, or in a weekly paper once a week for five weeks, according to the provisions of A.R.S. § 35-451, § 35-454 and § 39-203:

A. The aggregate indebtedness of a county, school district, city, town or similar municipal corporation may be increased above four per cent of the value of the taxable property in such political subdivision only as provided in this article. [Art. 3, Ch. 3, Title 35]. . . . (A.R.S. § 35-451)

A. The governing body or board of the political subdivision shall:

\* \* \*

3. Publish a copy thereof in a newspaper for at least thirty days prior to the day of such election. (A.R.S. § 35-454)

\* \* \*

A. When notice is provided by law to be given for a specified number of days or weeks, if by publication in a daily paper, it shall be published six days of the seven in the week, and if by publication in a weekly paper, it shall be published one day in each week.

B. One insertion each week in papers published weekly, and six insertions each week in papers published daily, shall constitute seven days' notice." (A.R.S. § 39-203)

The difference in bond election requirements, depending upon whether a bond issue will raise the aggregate indebtedness of a school district above four per cent, is confirmed by the Arizona Supreme Court's analysis of the 1928 revised code predecessors to the above-cited statutes. See Armer v. Wade, 48 Ariz. 1, 58 P.2d 525 (1936) and School Dist. No. 1, Apache County v. Whiting, 56 Ariz. 334, 107 P.2d 1075 (1940).

In summary, if a proposed bond issue would result in an aggregate indebtedness for the district of four per cent or less than the value of the district's taxable property,

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then the bond election notice must be published not less than once a week for three successive weeks. If the proposed bond issue would result in an aggregate indebtedness for the district in excess of four per cent, then notice must be published six days a week for four weeks plus two days in the fifth week in a daily newspaper or in a weekly newspaper, once a week for five weeks.

If you have any questions, please call.

Sincerely,

BRUCE E. BABBITT  
Attorney General



DAVID RICH  
Assistant Attorney General

DR:jrs