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May 31, 1978

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The Honorable Morris Farr
Arizona State Senate
Phoenix, Arizona 85007

Re: House Bill 2098; State Aid for
Transportation Costs (78-98 (R78-158))

Dear Morris:

You have asked whether there would be an alternative method to pay state aid for state transportation costs if House Bill 2098 does not pass this legislative session. We conclude there is no alternative method available.

A.R.S. §§15-1621, et seq., presently define the terms for calculating transportation aid and the procedures which must be followed in order for a school district to qualify for state transportation aid. A.R.S. §§15-1623 and 15-1625 outline those facts which must be established before a school district can qualify to receive state transportation aid and those two sections are limited to calculation of state transportation aid only through the fiscal year 1978, or through June 30, 1978. The fact that an appropriation has been made to fund transportation aid for the 1979 fiscal year would not serve to make those moneys available to school districts since there is no basis upon which the aid could be calculated. In a similar situation, the Arizona Supreme Court stated:

The appropriation in the general appropriation bill is for a lump sum, and in and of itself means nothing. To make it intelligible, reference to the Old Age Pension Act is absolutely necessary." Carr v. Frohmiller, 47 Ariz. 430, 440, 56 P.2d 644 (1936).

Generally, an appropriations bill is insufficient to implement substantive legislation. See, e.g., Caldwell v. Bd. of Regents, 54 Ariz. 404, 409, 96 P.2d 401 (1939). As the Court has stated:

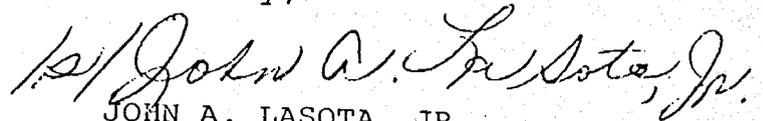
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The general appropriation bill is not in the true sense of the term legislation; it is, as the language implies, merely a setting apart of the funds necessary for the use and maintenance of the various departments of the state government already in existence and functioning. [citation omitted] In providing that it should embrace nothing else, the framers of the Constitution undoubtedly intended that members of the legislature should be free to vote on it knowing that appropriations and nothing else were involved. [citation omitted] Sellers v. Frohmiller, 42 Ariz. 239, 246, 24 P.2d 666 (1933).

We therefore conclude that state transportation aid for school districts will be unavailable without the passage of House Bill 2098 or its equivalent this legislative session.

Sincerely,


JOHN A. LASOTA, JR.
Attorney General

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