



# Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

January 3, 1989

The Honorable William J. DeLong  
State Senator  
State Capitol - Senate Wing  
Phoenix, Arizona 85007

189-001 (R88-130)

Dear Senator DeLong:

You have asked whether a school district may call a bond election for the purchase of a school bus or for the purchase of furniture and apparatus for a school building which is not newly purchased, constructed or leased. We conclude that bonds may not be issued and sold for the purpose of acquiring a school bus. We also conclude that the purchase of furniture and apparatus for a school building, which is not a new purchase, construction or lease, is an allowable purpose for calling a bond election.

Your questions arise under A.R.S § 15-491(A) which authorizes a school district to call a bond election:

§ 15-491. Special elections on bond issues and school property; exceptions

A. The governing board of a school district may, and upon petition of fifteen percent of the school electors as shown by the poll list at the last preceding annual school election shall call an election for the following purposes:

1. To locate or change the location of school buildings.

2. To purchase or sell school sites or buildings or sell school sites pursuant to § 15-342 or to build school buildings, but the authorization by vote of the school district shall not necessarily specify the site to be purchased.

3. To decide whether the bonds of the school district shall be issued and sold for the purpose of raising money for purchasing or long-term leasing school lots, for building school buildings, for supplying school buildings with furniture and apparatus, for improving school grounds or for liquidating any indebtedness already incurred for such purposes.

4. To long term lease, as lessor or as lessee, school buildings or grounds.

(Emphasis added.) A.R.S. § 15-491(A) does not list the proposed purchase of a school bus or other pupil transportation vehicle as an allowable purpose for calling a bond election.<sup>1/</sup>

You specifically asked whether school buses are apparatus, as A.R.S. § 15-491(A)(3) allows bond elections for supplying school buildings with furniture and apparatus. The term "apparatus" is not defined in the statute; thus we must determine whether the legislature intended "apparatus" to include school buses.

In construing a statute, it is presumed that what the legislature means, it will say. Padilla v. Industrial Commission, 113 Ariz. 104, 106, 546 P.2d 1135, 1137 (1976). For example, in A.R.S. § 15-903 the legislature prescribed the budget format for school districts. The capital outlay section of the budget must include the following subsections:

1. Land, buildings and improvements to land and buildings, including labor and related employee benefits costs and material costs if work is performed by school district employees.

2. Furniture, furnishings, athletic equipment and other equipment, including computer software.

---

1. A.R.S. § 15-1021, which limits the amount of a school district's bonded indebtedness, states that a school district may issue bonds for the purposes specified in A.R.S. § 15-491.

3. Pupil and nonpupil transportation vehicles and equipment, including all capital expenditures within a contract if the school district contracts for pupil transportation.
4. Textbooks and related printed subject matter materials adopted by the governing board.
5. Instructional aids.
6. Library books.

A.R.S. § 15-903(C) (emphasis added). In the budget format statute the legislature explicitly separated furniture, furnishings and certain kinds of equipment from transportation vehicles and equipment.

Moreover, pupil transportation is a prominent topic in Title 15: First, A.R.S. § 15-342(12) authorizes school districts to provide transportation for children if it is deemed for the best interest of the district; second, pupil transportation is the sole topic of Article 2 of Chapter 9; and third, the sum of the transportation revenue control limit and the base revenue control limit determines the revenue control limit for each school district. See A.R.S. §§ 15-946; -947. Also, A.R.S. § 15-963 authorizes small school districts who qualify to apply to the State Board of Education for a capital levy adjustment for the purchase of a pupil transportation vehicle. The legislature has often explicitly concerned itself with pupil transportation matters. Therefore, if the legislature had intended to include school buses in A.R.S. § 15-491, it would have said so. See Padilla at 106, 546 P.2d at 1137. It would have listed purchasing school buses or pupil transportation vehicles as a discrete purpose for calling bond elections, rather than intending a school bus to be included as an apparatus to be supplied for school buildings.

You next asked whether a bond election may be called for the purpose of purchasing furniture and apparatus for a school building which is not newly purchased, constructed or leased. A.R.S. § 15-491(A)(3) does not limit the purchase of furniture and apparatus to new buildings only. Cf. Ariz. Atty. Gen. Op. 181-028 (we refused to read "new" into the phrase "construction of school buildings," in order to prohibit the use of capital levy funds for additions to existing

The Honorable William J. DeLong  
Page 4

buildings in the former A.R.S. § 15-445(A)). Furthermore, we find no language in related statutes in Title 15 to indicate that furniture and apparatus for new buildings only are an allowable purpose for a bond election. Thus, we conclude that a bond election may be called for the purpose of supplying furniture and apparatus to a school building that is not new.

Sincerely,



BOB CORBIN  
Attorney General

BC:LSP:ieb