



Attorney General

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Robert R. Corbin

December 29, 1986

The Honorable Carolyn Warner
State Superintendent
Arizona Department of Education
1535 West Jefferson
Phoenix, AZ 85007

The Honorable Jim Cooper
Arizona State Representative
House Education Committee Chair
State Capitol - House Wing
Phoenix, AZ 85007

The Honorable Jim Green
Arizona State Representative
House Education Committee
Chair Designee
State Capitol - House Wing
Phoenix, AZ 85007

The Honorable Bill DeLong
Arizona State Senator
Senate Education Committee Chair
State Capitol - Senate Wing
Phoenix, AZ 85007

The Honorable Jacque Steiner
Arizona State Senator
Senate Education Committee
Chair Designee
State Capitol - Senate Wing
Phoenix, AZ 85007

Re: I86-125 (R86-182)

Dear Mrs. Warner, Representatives Cooper and Green,
and Senators DeLong and Steiner:

You have asked a number of questions relating to the effect of Proposition 101, which was approved at the last general election. Proposition 101, which was proposed by Senate Concurrent Resolution 1003, amended art. IX, § 21(2). That section, with the portion amended by Proposition 101 capitalized, provides as follows:

(2) The economic estimates commissions shall determine and publish prior to May 1 of each year the aggregate expenditure limitation for all school districts for the following fiscal year. The aggregate expenditure

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year upon affirmative vote of two-thirds of
the membership of each House of the
Legislature.

On September 15, 1986, the EEC published an adjusted
limit based on Ariz. Atty. Gen. Op. I86-040. You ask whether the
EEC had the authority to make this adjustment. In
Ariz. Atty. Gen. Op. I86-040, we advised that certain budgeted
capital levy revenues should be excluded in determining the
aggregate expenditures of local revenues by school districts.
The EEC corrected its determination of the 1986-1987 aggregate
expenditure limitation in reliance on that opinion. Thus, the
corrected determination on September 15 is the limit that was
mandated by the Arizona Constitution as it existed when the
determination was originally made. There was no abuse of EEC
authority by so adhering to the applicable constitutional
mandate.

Sincerely,



BOB CORBIN
Attorney General

BC:DPS:RXZ:djd