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Mr. Paul Waddell, Chairman
Economic Estimates Commission
1600 W. Monroe
Phoenix, Az. 85007

Re: I 89-025 (R89-031)

Dear Mr. Waddell:

You have asked whether the 1988 legislative amendments to A.R.S. § 15-1401(1) and (8) which expand the definitions of "additional short term classes" and "open entry, open exit classes" require a change in the 1979-1980 base year full-time student equivalent count in calculating community college district expenditure limitations. We conclude that the answer is yes.

The voters of Arizona in June 1980 approved an amendment to Arizona's Constitution which placed limits on expenditures of local revenues by community college districts. See Ariz. Const. art. IX, § 21. The amendment requires the Economic Estimates Commission (Commission) to determine the expenditure limitation for each community college district.

The economic estimates commission shall determine and publish prior to April 1 of each year the expenditure limitation for the following fiscal year for each community college district. The expenditure limitations shall be determined by adjusting the amount of expenditures of local revenues for each such district for fiscal year 1979-1980 to reflect the changes in the student population of each district and the cost of living. The governing board of any community college district shall not authorize expenditures of local revenues in excess of the limitation prescribed in this section, except in the manner provided by law.

Ariz. Const. art. IX, § 21(1)(emphasis added). The term "student population" as used in this subsection means:

[T]he number of actual, full-time or the equivalent of actual full-time students enrolled in the . . . community college district determined in a manner prescribed by law.

Ariz. Const. art. IX, § 21(4)(e). "'Full-time equivalent student' means student enrollment for fifteen community college semester credit units per semester." A.R.S. § 15-1401(7). The number of full-time equivalent students, therefore, is determined by adding together all of the community college semester credit units of those students enrolled and dividing that number by 15.

A.R.S. § 41-563(B)(4) sets forth the method by which the Commission is to determine changes in the student population of each community college district for purposes of calculating each district's expenditure limitation. This provision provides in relevant part:

Determine the expenditure limitation for each community college district, as follows:

(a) Determine the student population of each community college district for the fiscal year 1979-1980.

(b) Determine the estimated student population of each community college district for the fiscal year for which the expenditure limitation is being determined.

(c) Divide the student population determined in subdivision (b) of this paragraph by the student population determined in subdivision (a) of this paragraph.

(Emphasis added.)^{1/} Mathematically then, the equation to be used by the Commission to calculate changes in student

1. A.R.S. § 41-563(E)(5) provides that in this section "'student population' shall be defined pursuant to article IX, § 21, subsection (4), paragraph (e), Constitution of Arizona."

population for purposes of determining the expenditure limitation would be as follows:

$$\frac{\text{Applicable fiscal year estimated credit hours (student enrollment)}}{15} = \frac{\text{Applicable fiscal year student population}}{1979-1980 \text{ student population}}$$
$$\frac{1979-1980 \text{ credit hours (student enrollment)}}{15}$$

By amending the definitions "additional short term classes" and "open entry, open exit classes" the legislature changed the class of individuals who are considered to be "student enrolled" and, therefore, changed the definition of "student population."

Our conclusion that the Commission must use the same definition of "student population" in determining the base year 1979-1980 student population as used in determining the applicable fiscal year student population is consistent with our prior interpretation of these provisions. In Ariz. Atty. Gen. Op. 187-081 the legislature considered amending the definition of "full-time equivalent student" by changing the number of credit hours, the denominator, from 15 to 12. There we stated:

It is significant to note that A.R.S. § 41-563(B)(4)(a) specifically requires the Economic Estimates Commission to determine the student population of each community college district for the 1979-1980 fiscal year. There is a presumption that the legislature did not intend to do a futile thing by including a provision which is not operative. City of Mesa v. Killingsworth, 96 Ariz. 290, 294-295, 394 P.2d 410, 413 (1964). In City of Phoenix v. Yates, 69 Ariz. 68, 72, 208 P.2d 1147, 1149 (1949) the Arizona Supreme Court stated:

In the absence of ambiguities the entire statute must be given its complete import with the presumption that the lawmaker had a definite purpose in mind in promulgating this particular statute. Each word, phrase, clause, and sentence must be given meaning so that no part will be void, inert, redundant, or trivial.

Consequently, by enacting A.R.S. § 41-563(B)(4)(a), the legislature must have intended something more than a one-time calculation of the student population for fiscal year 1979-1980. If that had been the legislative intent, then instead of enacting subparagraph (a), the legislature would have simply directed the Economic Estimates Commission to use the original student population figure it had calculated for fiscal year 1979-1980. By in effect requiring the Economic Estimates Commission to yearly determine the student population of each community college district for fiscal year 1979-1980, the legislature had apparently anticipated the possibility that the statutory definition of student population may be changed at a later date. In this way, the legislature assured that both the numerator and the denominator of the formula used in A.R.S. § 41-563(B)(4)(c) would be computed on the same basis irrespective of whether the computation of student population was changed by the legislature.

Based on the foregoing, it is our opinion that the Economic Estimates Commission is required to determine each year the student population of each community college district for fiscal year 1979-1980 under the definition of student population in effect at the time the expenditure limitation computation is being done for any given year.

Ariz. Atty. Gen. Op. 187-081 (emphasis added).

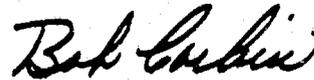
In our previous Opinion the issue was whether the Commission had to recalculate the 1979-1980 base year student population when the denominator used to determine "full-time equivalent student" was changed. We concluded that a recalculation was required. Here, the issue is whether the Commission must recalculate the 1979-1980 base year student population when the numerator used to determine "full-time equivalent student" is changed. We conclude for the reasons expressed in our earlier Opinion that a recalculation of the 1979-1980 base year student population in this situation also is required.

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You next ask whether the Commission should recalculate the 1979-1980 base year expenditure limitation to include revenues related to the "additional short-term classes" when it recalculates the 1979-1980 base year student population. We conclude that no such recalculation is necessary because the change in the definition of "additional short-term classes" does not change the definition of "local revenues" which is defined in Ariz. Const. art. IX, § 21(4)(c).

You finally ask what action the Commission should take in recalculating the 1979-1980 base year student population in the event a community college district does not have information available for this time period. The question is premature and should be addressed, if at all, only in the event that it becomes necessary to do so.

Sincerely,



BOB CORBIN
Attorney General

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