

SUMMARIES OF ATTORNEY GENERAL OPINIONS

The Secretary of State’s Office is required to publish summaries of Attorney General Opinions under A.R.S. § 41-1013(B)(4). The following Attorney General Opinions were issued between January 1 and June 30, 2009. For copies of these opinions, call (602) 542-5025 or view them online at the Attorney General’s web site:

<http://www.azag.gov/opinions/index.html>

Opinion number	Date of opinion	Opinion summary
I09-001	February 17, 2009	<p>Re. Admissibility and Tuition Payment of a Child Who Resides With a Legal Guardian Within a School District</p> <p>A child who resides with a legal guardian who was not appointed solely to avoid the payment of tuition may attend the school district in which the legal guardian resides without paying tuition. Pursuant to Arizona law, the residence of the person having legal custody of the child is considered the child’s residence for school admission purposes, and school districts must admit resident children between the ages of six and twenty-one without payment of tuition.</p>
I09-002	March 27, 2009	<p>Re. Application of Arizona Merchandising Businesses for the Blind Act</p> <ol style="list-style-type: none"><li>1. If DES has surveyed state prison centers and has identified locations where licensed blind vendors properly and satisfactorily may operate merchandising businesses, including vending machine businesses, then A.R.S. § 23-504 requires ADOC to grant space to DES for the operation of such a business and to cooperate with DES in installation of the business. ADOC may not charge any assessment for the use of the space, and it may not solicit or accept bids for the use of the space from prospective vendors pursuant to the procurement code.</li><li>2. ADOC must grant the space to DES for operation of a merchandising business by a blind vendor, even if doing so would deprive the ADOC special services or inmate store proceeds funds of commissions they historically have received from operation of vending machines in institutions.</li><li>3. ADOC must grant the space to DES for operation of a merchandising business by a blind vendor, even if the vendor intends to subcontract with another business that will provide certain operations services, as long as the vendor retains the ability to control or manage the business.</li></ol>
I09-003	June 1, 2009	<p>Re. Calculation of number of signatures of qualified electors for petition for incorporation of city or town</p> <p>The number of qualified electors residing in a community is determined as of the date that the completed incorporation petition is filed with the clerk of the board of supervisors.</p>
I09-004	June 30, 2009	<p>Re. Treatment of SWBPI Funds Received by Counties Under A.R.S. 42-17106</p> <p>A county must include the SWBPI (Southwest Border Prosecution Initiative) funds in the budget before spending them. Section 42-17106(A), Arizona Revised Statutes (“A.R.S.”), prohibits a county from spending money in excess of the amount stated for each purpose in the county’s adopted budget regardless of whether the county has received at any time, or has on hand, monies or revenue in excess of the amount required to meet expenditures, debts, obligations, and liabilities that are incurred under the budget. A county may expend federal grant monies that are not in the budget if the county is merely a conduit for those funds. Here, however, the county is not merely a conduit for these monies because there are no limitations on how the county may spend the SWBPI funds.</p>