

**OPINION
69-163**

April 14, 1969 (OPINION)

The Honorable Leslie C. Powers

State Representative

Twenty-fourth District

RE: Elections - Radios for School Buses - Regular or Special School

This is in reply to your letter of April 10, 1969, relative to House Bill 280 enacted by the recent Legislative Assembly. You note the bill allows a school district to levy one additional mill for communications equipment provided the issue receives a favorable vote. You further note there appears to be some question as to whether this issue can be voted on at a school election or if it must be a general election.

House Bill 280 as enacted by the 1969 Legislative Assembly, and approved by the Governor on March 17, 1969, provides as follows:

SCHOOL DISTRICT LEVY TO EQUIP AND MAINTAIN TWO-WAY RADIOS FOR SCHOOL BUSES. The school board of any school district, upon the passage of a proper resolution, may submit the question at the next regularly scheduled or special election in the school district of providing for an annual levy of not in excess of one mill to equip school buses with two-way communications and central station equipment and to provide for the installation and maintenance of such equipment. If the question submitted is approved by a majority of the electors voting thereon, the school board shall proceed to make such levy, which levy shall be over and above any mill levy limitations provided by law."

You will note the legislation specifies the question may be submitted at the next regularly scheduled or special election in the school district. We assume this refers to a school election. A general election is not a school election although a special school election could be called in conjunction with a general election.

We would further note this measure did not carry an emergency measure and will not become effective until July 1, 1969. The question could not, therefore, be placed before the voters at the regular school election in June of this year.

In summary, it is our opinion that the question of whether a one mill levy should be made for the purpose of equipping school buses with two-way communications and central station equipment and for the purpose of installing and maintaining such equipment may be presented at any regular or special school election held in the school district subsequent to July 1, 1969, the effective date of the Act.

HELGI JOHANNESON

Attorney General