

**OPINION  
50-167**

April 28, 1950 (OPINION)

SCHOOLS

RE: Additional Indebtedness

This is in reply to your letter of April 25 in which you ask for a clarification of Section 15-4801 relative to the authority of the school board in the matter of additional indebtedness. You inquire whether the 5% of the assessed valuation is based upon 100% assessed value or whether it is computed on 50% of the valuation.

Section 183 of the State Constitution, as amended by Article 35, provides that a school district may by majority vote increase its indebtedness beyond its 5% an additional 5%.

Section 57-0228 provides that the value of all property subject to a general property tax not exempted by law nor subject to any gross sales tax or any other lieu tax to be used in the computation of the tax levied shall be 50% of the full and true value thereof. Such statute further provides that after equalization by the State Board of Equalization computations shall be made upon the 50%.

This section was amended by Chapter 317 of the 1945 Session Laws. The amendment was referred to the people and rejected and the Supreme Court held that since this Chapter 317 was rejected by the people, Section 57-0228 was revived.

It will follow, therefore, that in voting on an increase in the debt limit the same is based upon 50% of the valuation.

WALLACE E. WARNER

Attorney General