



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL
OPINION NO. 85-107

(501) 371-2007

April 18, 1985

Honorable Alvin Dwiggins
Senator, District 21
Capitol Mall
Little Rock, AR 72201

Dear Senator Dwiggins:

This is in response to your opinion request wherein you posed the following inquiry:

If School District "A" has a higher millage rate than School District "B" and School District "A" is found to fail the minimum standards for accreditation and is annexed to School District "B", and then a new millage rate of the combined schools higher than School District "B" had at the time of annexation is proposed at the next school election and fails, what would be the millage rate for the residents of former School District "A"?

Dispositive of your inquiry is Article 14, §3 of the Arkansas Constitution as amended by Amendments Nos. 11 and 40. This Constitutional provision provides in pertinent part as follows:

If a majority of the qualified voters in said school district voting in the annual school election shall approve the rate of tax so proposed by the Board of Directors, then the tax at the rate so approved shall be collected as provided by law. In the event a majority of said qualified electors voting in said annual school election shall disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding annual school election.

In response to your inquiry then, it is the opinion of this Office that the millage rate for the residents of former School District "A" would be the rate of millage last approved in that school district prior to annexation.

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The foregoing opinion, which I hereby approve, was prepared
by Assistant Attorney General C. Randy McNair, III.

Sincerely,



STEVE CLARK
Attorney General

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