

OPINION
64-226

May 23, 1964 (OPINION)

SCHOOL DISTRICTS

RE: Teacherage

This is in reply to your letter of May 18, 1964, in which you ask if a school district could borrow money to purchase a teacherage.

In your letter you note the provisions of section 15-26-07 of the North Dakota Century Code. As you are aware chapter 15-26 of the North Dakota Century Code was repealed by the 1961 Legislative Assembly. As also noted in your letter section 15-29-08(5) of the North Dakota Century Code, as amended, provides that school boards have the power and authority: "To purchase, sell and exchange schoolhouses and rooms, lots, or sites for schoolhouses, teacherages and dormitories, and to lease such facilities for a period not to exceed one year."

We believe this section authorizes the school district to borrow money in the manner specified in the statutes, i.e., issuance of bonds, certificates of indebtedness, state school construction fund, for the purchase of a teacherage. It does not authorize the school district to make an ordinary loan from a bank or lending agency for the purchase of a teacherage. A schoolhouse cannot be built or purchased by the ordinary loan process. Since teacherages are contained in the same classification as schoolhouses insofar as the authority of the school board to build them is concerned, it follows that the school board may incur a debt for the construction or purchase of a a teacherage only in the manner specified by law for incurrence of a debt by the district.

School districts, being creatures of the Legislature, have only such powers as are expressly granted by statute or necessarily implied therefrom. Since the Legislature has specified the manner in which a school board or school district may incur a debt, we believe such specification excludes any other procedure.

HELGI JOHANNESON

Attorney General