

**OPINION  
43-101**

February 23, 1943 (OPINION)

SCHOOL HOUSES

RE: Sale of

Your inquiry of February 11th relative to the procedure to be followed in the disposal of rural school houses owned by the Carrington Special School District, and also the procedure required by a district which intends to purchase the building has been referred to the undersigned for attention.

The school houses in question being owned by Special School District, I wish to call their attention to section 1251 Compiled Laws of 1913. Subsection 4 reads as follows:

"to purchase, sell, exchange, and hire school houses and rooms, lots or sites for school houses, and to fence and otherwise improve them as it deems proper."

This subsection seems to give full authority to the board, and I, therefor, believe that the school board, by resolution, could authorize the sale of the school houses involved.

Your letter does not say what type of district contemplates making the purchase. If it is a common school district, and I assume that it probably is, owing to the fact that they are purchasing rural school houses, the purchase would be governed by the provisions of chapter 253 Session Laws of 1931. This section is applicable only to common school districts and provides for an election before the purchase may be made.

I would suggest that you take this matter up with Mr. Burnham as he has, undoubtedly, had the provisions of chapter 253 Session Laws of 1931 before him on other occasions.

ALVIN C. STRUTZ  
Attorney General