

**OPINION  
45-258**

July 5, 1945            (OPINION)

SCHOOL DISTRICTS

RE: Teacherages - Power of Board to Buy

Your letter of July 3, addressed to the Attorney General, has been received and contents noted.

You ask for our opinion as to whether or not under the provisions of section 15-2607 of the North Dakota Revised Code of 1943 a school district may purchase a building suitable for a teacherage at a cost of \$2100.

The statute referred to provides that "The school board in any district may build and equip a dwelling for the use of teachers in such district. Such building shall be known as a teacherage." The statute then continues: "The board also may build, purchase, or lease suitable buildings to be used as dormitories and may equip the same for the use of resident and nonresident grade and high school pupils."

You call attention to the fact that in the portion of the statute first quoted, the district may "build" and equip, while the second portion quoted, the board may build, "purchase," etc. The question thus raised is whether a school board in providing a teacherage is restricted to the building of a teacherage only or whether it may also purchase a teacherage.

We do not believe that the word "build" should be so restricted, but rather that authority to build would carry with it implied authority to purchase a building, which in every way would answer the same purpose as one which was built. Or, reasoning further, if a school district has authority to build or purchase a dormitory, we can see no logical reason why it would not have authority to purchase a teacherage, when it has authority to build.

It is the opinion of this office, therefore, that since the school board has specific authority to build a teacherage, it would follow by necessary implication that if a suitable building could be purchased at approximately the same price, the school board would have authority to make the purchase.

NELS G. JOHNSON

Attorney General