

**OPINION
50-152**

October 4, 1950 (OPINION)

SCHOOLS

RE: Use of Building Fund

This is in reply to your request for an opinion from this office on the following situation:

During the past year it became necessary to install a new floor in your gymnasium which is a part of your high school building. It also became necessary to equip the building with Rusco windows in order to save fuel and make the building more comfortable for the teachers and pupils.

You also have a building fund established by a vote of the electors a year or so ago and the accumulation in said building fund amounts to something over \$1900.00. The question presented is whether or not the building fund may be used in payment of the cost of installing the new floor and the Rusco windows in your building.

Section 57-1517 provides, among other things, as follows: "Such funds shall be used solely and exclusively for the purpose of erecting new school buildings or additions to old buildings or major repairs of existing buildings."

I am satisfied that the installation of a new floor and equipping the building with the necessary Rusco windows are in fact major repairs. A floor is a necessary part of a school building and when the floor is worn out, its replacement is certainly a major repair.

Therefore, it is my opinion that the expenditures incurred for these repairs are payable out of the building fund which you have established.

WALLACE E. WARNER

Attorney General