

OPINION
53-28

January 8, 1953 (OPINION)

EDUCATION

RE: Disposal of Money Received on Sale of Abandoned School House

In yours of today you state that your school district had a school house that had been unused for six years and that the electors of the district had authorized the sale of the building. Upon the sale the sum of four thousand five hundred twelve dollars was realized and now the question is, what may this money be used for? You state three different proposals for the use of the money and we will answer these in order.

One: We know of no law authorizing a school district to purchase snow removal or other road machinery. The care of the township roads is entirely in the powers of the township board of supervisors. By sections 24-0602 and 24-0607, as amended by chapter 178, Laws of 1951, townships may purchase such equipment but this authority is not given school districts. Therefore, it is our opinion that this money may not be used for the purchase of snow-removal or other highway machinery.

Two: It is our opinion that this money must be credited to the general fund of the district and used for such purposes as the general fund may be used. This deposit should create a surplus in the general fund at the end of the school year, and such surplus must be taken into account when the next year's budget is prepared, and should reduce the next year's tax levy.

Three: If the old building had been sold with the immediate purpose of building a new school house, the proceeds should be used to pay, in part, for the new building, but, since there is no prospect of building a new building to replace the one sold, we can see no reason for retaining this money in an unused building fund.

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