



STATE OF KANSAS

*Office of the Attorney General*

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER  
Attorney General

February 6, 1975

Opinion No. 75- 42

Mr. C. V. Reed  
Superintendent of Schools  
Unified District No. 320  
815 Fifth  
Wamego, Kansas 66547

Dear Mr. Reed:

You advise that Unified School District No. 320 presently leases a school building from the Catholic parish. Terms of the lease comply with K.S.A. 72-8225. However, the State Fire Marshal has recommended major improvements to the building, to comply with minimum safety standards. K.S.A. 72-8225 authorizes the district to incur certain obligations under such leases thus:

"Such lease may provide for annual or other payment of rent and may obligate the school district to payment of maintenance or other expenses." [Emphasis supplied.]

The cost of the proposed improvements is expected to exceed \$10,000. The church, as lessor of the building, will not make the expenditure necessary to make the required improvements. You question whether as lessee, the district may assume the obligation and pay for these improvements as "other expenses" authorized to be paid pursuant to K.S.A. 72-8225.

In our opinion, those "other expenses" for which the district may obligate itself under K.S.A. 72-8225, in addition to rent and maintenance, are those other expenses which are incident

Mr. C. V. Reed  
Page Two  
February 6, 1975

to the lessee's occupancy of the property. Thus, the district may agree to pay for minor repairs, utilities such as electricity, heat, and water, for care of the grounds, and other expenses incidental to the upkeep of the property and its use by the lessee school district. K.S.A. 72-8225 does not, however, authorize the lessee school district to make capital improvements in leased property. It authorizes payment only of rent, maintenance, and other expenses incidental to occupancy of the leased premises. The improvements you describe, at a cost exceeding \$10,000, constitute capital improvements the cost of which may not be paid under the authority of K.S.A. 72-8225.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj

cc: Mr. Dale Dennis, Director  
School Finance and Statistics  
State Department of Education  
120 East Tenth Street  
Topeka, Kansas 66612