



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

October 3, 1975

ATTORNEY GENERAL OPINION NO. 75- 387

Ernest J. Deines  
DEINES & WAGNER  
Lawyers  
136 North Main  
Wakeeney, Kansas 67672

Re: Schools---Boards of Education Powers---Sale of  
Unneeded School Property

Synopsis: In determining when the 20-year period of time  
begins for purposes of selling a school building  
pursuant to K.S.A. 72-8212, the date the con-  
struction on the most recent addition to the  
building was completed is determinative of whether  
the building must be sold for at least three-fourths  
of its appraised value.

\* \* \*

Dear Mr. Deines:

As legal counsel for Unified School District #208, you have  
requested an opinion from this office concerning whether  
the Board of Education may sell a school building at private  
sale for less than three-fourths of its appraised value when  
the original construction of the building was first completed in  
1954 with an addition begin added and completed in 1961.

The relevant statute, K.S.A. 72-8212, provides in pertinent  
part:

"If there is located on any school property sold  
at private sale a building the construction of which  
was completed less than twenty (20) years before the  
date of such sale, said property shall be sold for

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not less than three-fourths (3/4) of the appraised value thereof as fixed by three (3) disinterested electors of the unified district appointed to appraise said property by the county clerk of the home county of the unified district."

The statute itself contains no specific guidance as to when the construction of a building is deemed completed for purposes of sale value.

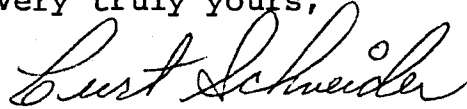
Based on our examination of this statute, it is our opinion that the determinative date to employ is the one which reflects the date the most recent addition to the structure was completed. Utilizing the familiar rule of statutory construction which holds that when the language and meaning of a statute is clear and unambiguous there is no room left for a Court to interpret it so as to give it a different or altered meaning, the pertinent language of K.S.A. 72-8212 seems susceptible to only one construction. First, the above quoted portion of the statute limits its applicability to situations in which there is located on school property a building the construction of which was completed less than twenty years before the date of a proposed sale. The use of the word "building" in the singular is of significant consequence. The reason for its significance lies in the fact that even if the school property has a building the construction of which was completed more than twenty years before the sale, the presence of a second building of vintage less than twenty years requires that the sale of both buildings must be for at least three-fourths of their entire appraised value. The use of the singular "building" has further significance in the fact that a school building which is enlarged by a later addition, nevertheless, remains a single building. If one portion is completed prior to the twenty-year cutoff date and the other portion subsequent to that date, the resulting entire building considered as a whole was not completed until the construction of the later addition was finished. Although the argument against this statutory construction is that it handicaps a school district in selling old buildings to which later necessary additions are added in lieu of building an entire new structure, presumably because of the difficulty in obtaining three-fourths of the appraised value of the building at a private sale, it must be equally presumed that any appraisal would take

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into consideration the differential between the ages of the various portions of the building in a computing overall appraisal value.

Therefore, it is the opinion of this office that in determining when the 20-year period of time begins for purposes of selling a school building pursuant to K.S.A. 72-8212, the date the construction on the most recent addition to the building was completed is determinative of whether the building must be sold for at least three-fourths of its appraised value.

Very truly yours,

A handwritten signature in cursive script that reads "Curt Schneider".

CURT T. SCHNEIDER  
ATTORNEY GENERAL

CTS:HTW:bv