

LIBRARY:
STATE AID:

(a) The power and authority of St. Joseph, Missouri to levy a tax for public library purposes is governed by Laws of Missouri, 1945, page 1287,

Section 1a. (b) Section 1a, Laws of Missouri, 1945, page 1287 authorizes the City Council of St. Joseph, Missouri to levy a maximum of three mills on the dollar for library purposes by a legal vote.

(c) Figures presented do not comply with alternate standard (1), Laws of Missouri, 1945, page 1134.

September 26, 1950



Mr. Paxton P. Price
State Librarian
Jefferson City, Missouri

Dear Sir:

This will acknowledge your letter of recent date requesting an opinion of this department. Your letter, in part, reads as follows:

"We would like to have an opinion by your office on the interpretation of the law as regards the following case.

"The State Library, under the commission and authority granted it by the Laws of 1945, Section 14736a, page 1134, appropriates state aid monies to public libraries according to:

"and provided further after January 1, 1949 grants shall be made to any public library according to two alternate standards: (1) to any public library in which the tax rate is one-half or more of the maximum by law; or (2) to any public library for which the tax income yields one dollar (\$1.00) or more per capita for the previous year according to the population of the latest Federal Census.'

"The City of St. Joseph has applied for sharing in this state aid for public libraries. St. Joseph is a city of the first class whose library was established and is maintained under

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the authority granted it by Sections 6500 to 6509 inclusive, of the 1939 Revised Statutes, further amended and revised in part by H.B. 489, Laws, 1945, page 12867.

"The original law makes no provision for taxation for support of the library, but the 1945 amendments provide for the assessment of taxes for library, hospital, and recreational purposes establishing a limit of three (3) mills for the combined group.

"The City of St. Joseph does not levy a tax specifically designated as a library tax and the application received from the St. Joseph Public Library reveals that it receives an annual appropriation from the city council of \$59,000.00."

Attached to your opinion request are two sheets executed by officers of the St. Joseph, Missouri Public Library; also a letter addressed to your department signed by Senator Francis Smith, St. Joseph, Missouri, concerning the rights of the St. Joseph Public Library to state aid according to the applications made. From such applications it appears that the population of St. Joseph, Missouri, according to the 1940 Federal Census, is 75,711. Since that population is referred to in the report, we accept it as the basis of this opinion. We also understand from your letter and statements in the letter written by Senator Francis Smith that a library tax, as such, was not levied by the City Council of St. Joseph, Missouri for the purpose of, or in raising the \$59,000 appropriated by the Council for public library purposes.

Section 14736a, Laws of Missouri, 1945, page 1134, in part reads as follows:

"* * * At least 50 per cent of the moneys appropriated for state aid to public libraries shall be apportioned to all public libraries established and maintained under the provisions of the library law or other laws of the state relating to libraries. The allocation of such moneys shall be based on an equal per capita rate for the population of each city, village, town, township, school district, county, or regional library district in which any such library is or may be established, in proportion to the population according to the latest Federal Census of

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such cities, villages, towns, townships, school district, county or regional library districts maintaining tax supported public libraries, Provided, that no grant shall be made to any public library if the rate of tax or the appropriation for said library should be decreased below the rate in force at the time of the enactment of this bill into law and provided further after January 1, 1949 grants shall be made to any public library, according to two alternate standards: (1) to any public library in which the tax rate is one-half or more of the maximum by law; or (2) to any public library for which the tax income yields one dollar or more per capita for the previous year according to the population of the latest Federal Census. The librarian of such tax supported library together with the treasurer of such library shall certify to the State Librarian the annual tax income and rate of tax or the appropriation of said library on the date of the enactment of this bill, and of the current year, and each year thereafter, and the State Librarian shall certify to the Comptroller for his approval the amount to be paid to each library and warrants shall be issued for the amount allocated and approved. The balance of said moneys shall be administered and supervised by the State Librarian to provide establishment grants on a population basis to newly established county or regional libraries and equalization grants on a population basis to county or regional libraries in all districts in which a one-mill or more tax does not yield a dollar per capita to said libraries, and provided further that only a library in a municipality, city, county, region, school district or other library district serving 5,000 or more population established by law after January 1, 1947, shall receive grants in aid. * * *
(Underscoring ours)

We are putting aside for the present the question of whether or not any public library not tax supported is entitled to state aid under Laws of Missouri, 1945, page 1132 and subsequent pages.

(1) We are of the opinion that the right of the City Council of St. Joseph, Missouri to levy a tax for public library purposes is governed and controlled by Section 1a, Laws of Missouri, 1945, page 1287, which in part reads:

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"In addition to the levies as provided for in Section 1 of this Act all cities of the first class are hereby authorized to levy annually not to exceed thirty cents in the aggregate on the one hundred dollars assessed valuation upon all property subject to its taxing powers for any one or more of the following purposes: li-
brary, hospital, public health, recreation grounds and museum purposes, when such rate and purpose of increase are submitted to a vote of the qualified electors within such cities and a majority voting thereon shall vote therefor. * * * " (Underscoring ours)

This section requires an affirmative vote by a majority of the qualified electors within cities of the first class in order to authorize the collection of the tax provided by the last quoted section. It will be noted that the above Section 1a authorizes an annual levy not to exceed thirty cents on the one hundred dollars assessed valuation for any one or or more of the purposes named, among which is library. It is apparent from this section that the City Council of St. Joseph could, if authorized as provided in above Section 1a, levy three mills on the dollar for its library purposes alone, or it may spread that amount over five different purposes in the aggregate. That being true, even accepting the figures as proposes, it does not constitute a tax rate which is one-half or more of the maximum permitted by law, as required by alternate standard (1), Laws of Missouri, 1945, page 1134.

(2) The population of St. Joseph, as shown by the application for state aid, being 75,711, of course the appropriation of \$59,000 for library purposes would not be in compliance with alternate standard (2), as required by Laws of Missouri, 1945, page 1135.

CONCLUSION

It is the opinion of this department that:

(a) The power and authority of St. Joseph, Missouri to levy a tax for public library purposes is governed by Laws of Missouri, 1945, page 1287, Section 1a.

(b) Section 1a, Laws of Missouri, 1945, page 1287 authorizes the City Council of St. Joseph, Missouri to levy a maximum of three mills on the dollar for library purposes by a legal vote.

(c) Figures presented do not comply with alternate standard (1), Laws of Missouri, 1945, page 1134.

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We are returning with this opinion the Application for State Aid by the St. Joseph Public Library, and papers connected therewith.

Respectfully submitted,

GILBERT LAMB
Assistant Attorney General

APPROVED:

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J. E. TAYLOR
Attorney General