

LIBRARIES: Negotiation of contract between county library district and city library district under Sec. 182.080, RSMo 1949, does not thereby create a regional library district so as to qualify for equalization grants as a regional district under Sec. 181.060(4), RSMo 1949.

JOHN M. DALTON
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April 13, 1953

John C. Johnsen
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Mr. Paxton P. Price
State Librarian
Missouri State Library
Jefferson City, Missouri

Dear Mr. Price:

This is in response to your request for an opinion dated March 31, 1953, which reads, in part, as follows:

"Does the negotiation of a contract (authorized by Section 182.080, R. S. Missouri, 1949) for joint and unified service between a county library district and a city library district (the latter located within the mentioned county) thereby establish a regional library, and qualify those conjoined districts under such contract for equalization grants of state aid as provided for in 4 of Section 181.060, R.S. Missouri, 1949?"

In your request you mention two sections of the statutes which, for sake of convenience, we now set out in full:

Section 181.060.

"1. The general assembly may appropriate moneys for state aid to public libraries, which moneys shall be administered by the state librarian with the assistance of the state library advisory board.

"2. At least fifty per cent of the moneys appropriated for state aid to public libraries shall be apportioned to all public libraries established and maintained under

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the provisions of the library laws 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 such cities, villages, towns, townships, school districts, 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 chapter 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.

"3. 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 chapter, 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.

"4. The balance of said moneys shall be administered and supervised by the state librarian to provide establishment grants on a population

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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 five thousand or more population established by law after January 1, 1947, shall receive grants in aid. Newly established libraries and libraries in which a one-mill tax does not yield a dollar per capita shall certify through the legally established board and the librarian of such library to the state librarian the fact of establishment, the rate of tax, the assessed valuation of the library district and the annual tax yield of such library. The state librarian shall then certify to the comptroller for his approval the amount of establishment grant or equalization grant to be paid to such libraries, and warrants shall be issued for the amount allocated and approved. The sum appropriated for such state aid to public libraries shall be separate and apart from any and all appropriations made to the state library.

"5. The state librarian with the state library advisory board may make such bylaws, rules and regulations in compliance with the provisions of the sections which are deemed necessary for the administration and allocation of such moneys."

Section 182.080.

"Said county library board may contract with the body having control of a public library for assistance in the organization of a free county library under such terms and conditions as may be stated in such contract, or it may contract with the body having control of a public or school library already established within a county, or any other library within the state, to furnish library service to the people of the said county library district, under such terms and conditions as may be stated in such contract; and the body having control of any library within the state may contract with any such county

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library board within the state, to provide library service to the people of such library district under such terms and conditions as may be stated in such contract. In case a contract shall be made for services by any library now or hereafter existing, as herein provided, it shall be the duty of the county library board, by and through a member of the board, to advise and consult with the board controlling said library, with regard to the selection of books, location of branch libraries and other subjects relating to the proper management of the county library."

Section 181.060, supra, with regard to state aid, does mention "regional library districts," but it is to be noted that nowhere in the statutes on libraries or elsewhere is that term defined, nor is there any machinery set up by the Legislature for the establishment of regional library districts. Under Section 181.060, subsection 4, supra, only county and regional libraries are entitled to equalization grants.

The statutes do authorize the establishment of both county and city libraries. Such city and county library districts operate separately and independently of each other except that a city library district may become a part of the county library district by the method provided in Section 182.040, RSMo 1949.

The question then is whether the conjunction of a county library district with a city library district by contract, as provided in Section 182.080, supra, thereby creates a "regional" library district within the meaning of Section 181.060, supra.

Section 182.080, supra, provides two purposes for which a county library district may contract with a body having control of a public library. One is "for assistance in the organization of a free county library" and the second is for the body having control of a public or school library "to furnish library service to the people of the said county library district." In the first instance it is clear that the purpose of the contract is to furnish a county library and not to create another entity known as a "regional" library. The last sentence of Section 182.080 makes it clear that when a contract shall be made for services, the second purpose for which such a contract may be made, the county library board, by and through one of its members, acts in an advisory capacity to the servicing library board with regard to certain subjects "relating to the proper management of the county library." (Emphasis ours.)

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It appears then that a county library district does not in either instance lose its identity as such county library district and become part of any larger district known as "regional" by virtue of a contract entered into under Section 182.080, supra. Rather, the purpose is either the establishment of a county library or the furnishing of service to the people of the county library district as a county library.

CONCLUSION

Therefore, it is the opinion of this office that the negotiation of a contract between a county library district and a city library district under Section 182.080, RSMo 1949, does not thereby establish a regional library district so as to qualify for equalization grants of state aid as a regional district under Section 181.060(4), RSMo 1949.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. John W. English.

Yours very truly,

JOHN M. DALTON
Attorney General

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