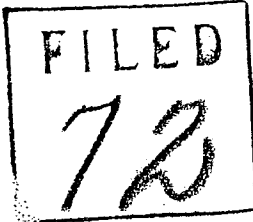


STATE LIBRARIAN:
MAY HOLD STATE LIBRARY
MEETINGS AND DISTRICT
LIBRARY INSTITUTES:

State librarian authorized under provisions of
Section 181.030 RSMo 1949 to hold State library
meetings and district library institutes referred
to in Section 182.110 RSMo Cumulative Supplement
1955.



May 16, 1956

Honorable Paxton P. Price
State Librarian
State Office Building
Jefferson City, Missouri

Dear Mr. Price:

This department is in receipt of your recent request for our official opinion, which reads as follows:

"Will you please give this office your legal opinion on the application meaning of Section 182.110, RSMo., 1955 Supplement.

"Does this section apply in application, to meetings of county libraries called by the State Library, and district library institutes conducted by the State Library?"

From supplemental information received, we understand the inquiry to be whether or not the State Librarian is authorized under the provisions of Section 182.110 RSMo Cumulative Supplement 1955 to hold State library meetings and district library institutes.

Section 181.030 RSMo 1949, provides for the organization, powers and duties of the State library. Said section reads as follows:

"1. The state library shall be organized into sections designated:

- (1) Public library and adult education service;
- (2) School library service;
- (3) Institutional library service;
- (4) Public documents service.

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"2. It shall furnish library service to public and school libraries, institutions and state departments, and to all communities which may propose to establish libraries. It shall serve as a clearing house on library professional problems, and shall furnish information as to the best means of establishing and maintaining libraries, the selection of books, cataloging and other details of library management. It may receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given. It may purchase and operate libraries and circulate such libraries within the state among communities, schools, charitable and penal institutions and other organizations approved by the state librarian. Libraries may be furnished free of cost, under such conditions and rules as shall protect the interest of the state and best increase the efficiency of the service. It may publish lists and circulars of information as it shall deem necessary and it may also conduct schools of library instruction. It shall constitute the agency for receiving grants from the United States or under any act of congress for public libraries, school libraries, or other types of library services and may make any rule, regulation or condition in connection with such grants as may be necessary or required in the administration thereof."

Section 181.021 RSMo Cumulative Supplement 1955, provides that the State Library shall be under the control of the State library commission and gives the duties of the commission. Said section reads as follows:

"The Missouri state library shall be under the control of the state library commission and operated under rules and regulations promulgated by the commission. The commission shall:

(1) Direct the survey of services given by libraries which may be established or assisted under any law for state grants-in-aid to libraries;

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(2) Further the coordination of library services furnished by the state with those of local libraries and other educational agencies;

(3) Publish an annual report showing conditions and progress of public library service in Missouri;

(4) Furnish information and counsel as to the best means of establishing and maintaining libraries, the selection of books, cataloging and other details of library management; provide assistance in organizing libraries or improving service given by them and assist library services in state institutions;

(5) Receive and administer grants from the United States under any act of congress for public libraries, or other types of library service, and make rules and regulations in connection with such grants as may be necessary or required in the administration thereof;

(6) Receive gifts of money, books or other property which may be used or held in trust for the purposes given;

(7) Administer state grants-in-aid and encourage local support for the betterment of local library service and generally promote an effective state-wide public library system;

(8) Purchase library materials and circulate the material by all means necessary, including the use of bookmobiles, within the state among individuals, communities, libraries, schools, charitable and state institutions, state departments and other organizations approved by the state library commission."

Among the duties of the State library referred to in Section 181.030, supra, are those of providing library services for the communities, libraries, institutions and other organizations approved by the State Librarian. The State library is to serve as a clearing house on library professional problems. It shall also furnish information as to the best means of establishing and maintaining libraries, and of the management of the same. It may publish lists and circulars of information when deemed necessary,

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and may conduct schools of library instructions.

From the provisions of Section 181.021, supra, we note that the State library is under the control of the State Library Commission and is operated under rules and regulations promulgated by the commission. However, from a reading of various sections of Chapter 181 RSMo Cumulative Supplement 1945 including Sections 181.033, 181.043, 181.060 and 181.030 RSMo 1949, it appears that the administrative and procedural matters, the working out of details, and the accomplishment of the statutory purposes for which the State library was created, and also the duty of harmonizing and cooperating the services of county and other public libraries with the program of the State library, have been left to the State librarian.

With these statutory provisions in mind, which apparently indicate the legislative intent to be that the State librarian not only has the authority, but it is his duty to supervise and administer the State library's affairs in furnishing library services to the communities and libraries mentioned in Section 181.030, supra, to furnish communities and institutions of the State with proper information in establishing and maintaining public libraries, and also information in the form of published lists or circulars on library matters, to be disseminated among the various public librarians of the State. These are some of the duties of the State librarian.

In view of the foregoing, it is our thought that the State librarian is legally authorized under provisions of Section 181.030, supra, to hold the State library meetings and district library institutes, referred to in Section 182.110, supra.

CONCLUSION

It is therefore the opinion of this department that the State librarian is authorized under provisions of Section 181.030 RSMo 1949 to hold State library meetings and district library institutes referred to in Section 182.110 RSMo Cumulative Supplement 1955.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Paul N. Chitwood.

Yours very truly,

JOHN M. DALTON
Attorney General

RNC/ma