

COUNTY LIBRARY DISTRICT: Authorized to purchase personal property necessary to the operation of the county library district; may purchase and operate Bookmobile. Title to Bookmobile would vest in the county library district, a corporate body.

August 29, 1950

8-30-50

Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri



Dear Mr. Paul:

This department is in receipt of your recent request for an opinion on the following question:

"Having just read the opinion rendered to the Prosecuting Attorney of Ray County, under date of June 27th, 1950, by inference contained in the discussion of the question presented to you by the Honorable Wilson D. Hill, I am lead to believe that the County Library Board would not have the authority to invest any part of the funds collected by the tax levy for the purpose of purchasing personal property.

"I would, therefore, appreciate you giving me your opinion on the following question. Does the County Library Board of the County of the fourth class have the right and authority to purchase from the revenue collected for the County Library, a Bookmobile and other personal property incident to conducting the County Library and the operation of the Bookmobile?

"If the answer to the question of purchasing the Bookmobile is in the affirmative, in whom should the title be vested."

County library districts are organized under authority of Article 6, Chapter 110, R. S. Mo. 1939. Section 14767 thereof authorizes the establishment of a county library district which "shall be a body corporate, and known as such."

Section 14769 of this article reads as follows:

"Said _____ county library district' as such body corporate, by and

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through said county library board, shall have power to sue and be sued, to complain and defend, and to make and use a common seal, to purchase or lease grounds, to lease, occupy or to erect an appropriate building or buildings for the use of said county library and branches thereof, and to sell and convey real estate and personal property for and on behalf of the county library and branches thereof, to receive gifts of real and personal property for the use and benefit of such county library and branch libraries thereof, the same when accepted to be held and controlled by such board, according to the terms of the deed, gift, devise or bequest of such property."

It appears clearly expressed in this article that a county library board may own and lease real or personal property for and on behalf of the county library and branches thereof. It was held in the opinion referred to in your letter that a county library board may not invest surplus funds in interest bearing investments when such surplus was created through proceeds collected under a tax levy.

Section 14775 of this article provides:

"The services of a free county library may be direct loan of books, pictures or periodicals, through branches, stations, school traveling libraries or book wagons; but in all cases service shall be freely accessible to all residents of the county library district."

It is the opinion of this office that a county library board is authorized to purchase from revenue collected for the county library a vehicle to be used as a traveling library or book wagon commonly referred to as a Bookmobile, and that title to such Bookmobile should be vested in the body corporate which would be created and known as the "_____ county library district."

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CONCLUSION

The County Library Board in a county of the fourth class is authorized to purchase from the revenue collected for the county library, a Bookmobile and other personal property incident to conducting the county library and the operation of the bookmobile.

Title to the bookmobile would vest in the county library district which is created as a corporate body.

Respectfully submitted,

JOHN E. MILLS
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

JEM:VLM