

LIBRARIES: City or town with tax-supported library becoming a part of county library district does not constitute newly established library so as to qualify for establishment grants.

March 28, 1951

3-29-51



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

Dear Sir:

Your letter at hand requesting an opinion of this office, which reads as follows:

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

"Section 14736a of the 1945 Laws of Missouri grants the State Librarian and the State Library Advisory Board administration of State Aid to Public Libraries. The law provides for three types of State Aid, namely: an equal per capita apportionment to all public libraries, establishment grants, and equalization grants.

"Establishment grants are specifically available to new county and regional library districts.

"Under the library laws of Missouri it is possible to establish a county library district in exclusion to those territorial portions of the county which already maintain municipal library districts, which means in effect, that the total territory encompassed by the county boundaries has not been reached with the creation of a county library district.

"Therefore, this office would like to know if, when a municipality takes action outlined

Mr. Paxton P. Price

in Section 14722, R.S. Missouri, 1939, making the municipal library district a part of the county library district, such action is to be considered as part of the original or new establishment of the county library district. Can establishment funds, governed by Section 14736a, 1945 Laws of Missouri, be paid to county libraries according to the terms of the law, on the basis that new sections of the county population have been added to the burden of the county library district by actions taken under authority contained in Section 14722, R.S. Missouri, 1939?"

At the outset, we enclose copies of two opinions submitted by this office in 1948 to the Prosecuting Attorney of Dent County and the State Librarian, which we believe will be helpful to you in considering the status of cities and towns having a tax-supported library as distinguished from a county library district, and how the former may become incorporated within said district.

In the opinion to the Prosecuting Attorney of Dent County it was concluded that a city or town maintaining a tax-supported public library is separate and apart from the established library district.

The statute providing for establishment grants to libraries is Section 181.060, R.S. Mo. 1949, which, in part, provides:

"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 five thousand or more population established by law after January 1, 1947, shall receive grants in aid. * * *" (Emphasis ours.)

Mr. Paxton P. Price

From the above-quoted section it appears that state aid in the nature of establishment grants is only available to "newly established" county or regional libraries. We construe this portion of the statute as referring to new libraries coming into existence.

In the opinion to the State Librarian this office, in construing Section 14772, R.S. Mo. 1939, now Section 182.040, R.S. Mo. 1949, stated:

"Section 14772, R.S. Mo. 1939, sets out the procedure for cities which have a tax-supported library to become a part of the county library system. This section also provides that after the foregoing procedure has been followed, such town or city shall thereafter become a part of the free county library district."

In other words, it appears that, after the statutory procedure as provided in Section 182.040 has been followed, a city or town having an existing tax-supported library merely becomes a part of the county library district or system already in existence. Furthermore, when such has been accomplished the property within said city or town, which had theretofore been exempted from a tax levy for the support of a county library in a county library district, becomes liable to taxes levied for free county library purposes. Thus Section 182.040, R.S. Mo. 1949, in part, provides:

"After the establishment of a free county library, the board of trustees, common council or other legislative body of any incorporated city or town in the county now or hereafter maintaining a free county library as above mentioned, may after approval of such proposed change by the directors of said free county library, notify the county court that such city or town desires to become a part of the free county library system at the beginning of the next succeeding full fiscal year; and thereafter such city or town shall be a part thereof, and the inhabitants shall be entitled to the benefits of such free county library and the property within such city or town shall be liable to taxes levied for free county

Mr. Paxton P. Price

library purposes; provided, the board of trustees, common council or other legislative body of such city or town, as the case may be, may petition the county court and in all other respects proceedings shall be had, as near as may be, as set forth in section 182.010, and the same rate of tax is had in such city or town as under the free county library system in such county."

It will therefore be seen that any financial burden incurred by the addition of new territory to the library district is compensated for, or at least alleviated, by the property located within the additional territory being subjected to the tax levy for library purposes.

CONCLUSION

It is therefore our opinion that a city or town containing a tax-supported public library becoming a part of the county library district or system does not constitute a newly established county or regional library or library district within the meaning of the statute so as to authorize payment of establishment grants.

Respectfully submitted,

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APPROVED:



J. E. TAYLOR
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