



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 6, 1976

ATTORNEY GENERAL OPINION NO. 76-40

Ms. Ernestine Gilliland
State Librarian
Kansas State Library
535 Kansas Avenue
Topeka, Kansas 66603

Re: Libraries--Powers--Loans

Synopsis: K.S.A. 12-1225, which describes the powers of directors of library districts organized under K.S.A. 12-1236 *et seq.*, does not authorize the directors to obtain loans for such library from the federal government, unless and until additional legislative authority is furnished.

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Dear Ms. Gilliland:

I have your letter of January 14, enclosing a photocopy of an article from the January, 1976, issue of *American Libraries*, announcing that the Farmers Home Administration, a rural credit agency of the United States Department of Agriculture, is authorized to make loans to develop community facilities for public use in rural areas and towns of up to 10,000 persons. Loans are available for public entities such as municipalities, counties and special purpose districts. Loan funds may be used to construct, enlarge, extend or improve community facilities, including libraries, which provide essential services to rural residents.

You ask whether Kansas laws allow a small public library to apply for a loan of this type. K.S.A. 12-1236 provides for the establishment of library districts by any city of the third class and one or more townships joined together for that purpose. K.S.A. 12-1244

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provides for the calling of an election to authorize the issuance of bonds to erect and equip a library. K.S.A. 12-1245 provides that the directors of a library district shall have those powers and duties vested in library boards under K.S.A. 12-1225. Those powers make no reference to the power to apply for and secure loans. K.S.A. 12-1225 does authorize the board

"(g) to receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service; [and]

(h) to receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof. . . ."

The references to appropriations, grants, gifts and donations do not include the authority to secure loans. I suggest that consideration be given to legislative action to furnish such authority, and to assure that the use of such authority is designed to conform to the Kansas cash-basis law, K.S.A. 10-1101 *et seq.*

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj