



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 9, 1977

ATTORNEY GENERAL OPINION NO. 77- 83

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

Re: Cities--Libraries--State Grants-in-Aid

Synopsis: The local public library established by the City of Haysville, upon the approval of the voters of that city at an election held on the question in November, 1976, is not ineligible for a state grant-in-aid by virtue of the lack of a local ad valorem levy for said library during the preceding year.

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Dear Ms. Gilliland:

You inquire whether the City of Haysville municipal public library is eligible for state aid under the Kansas Grants-in-Aid to Libraries Act, K.S.A. 1976 Supp. 75-2553 et seq., even though the library will not receive proceeds of a public library ad valorem tax until January, 1978.

You advise that the establishment of a city library was approved by Haysville voters at an election held last November, at the time of the state general election. Public funds are available for the initial operation of the library. Board officers have been elected, the treasurer has been bonded, and regional library consultants have assisted in the formulation of local library policy and financial organization. All other appropriate steps

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have been taken for the responsible operation of the library under the guidance of, and in conformity with, state law. However, because of the recent organization of the library, and the lack of an authorized ad valorem tax levy for the library during the preceding year, you inquire whether it is eligible for aid under the Grants-in-Aid to Libraries Act. K.S.A. 1976 Supp. 75-2556 provides in pertinent part thus:

"No public library shall be eligible for any state grants-in-aid if the amount produced by the local ad valorem tax levies for the current year expenses for such library is less than the amount produced by the ad valorem tax levy for the same library for the previous year. . . ."

This provision was designed to encourage the maintenance of local tax effort, and to avoid the substitution of state funds for local levies for library operation. Under the quoted language, a local public library is disqualified from receiving a state grant-in-aid if the amount produced by local ad valorem levies for the current year expenses of the library is less than that produced by the ad valorem levies for the same library for the previous year. Neither the purpose of this provision, nor its express letter, denies aid to a newly organized library for which no duly authorized levy was or indeed could be made during the preceding year. Thus, in my judgment, the local public library established by the City of Haysville is not ineligible for a state grant-in-aid by virtue of the lack of a duly authorized ad valorem levy for said library during the preceding year.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

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