



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

February 21, 1978

ATTORNEY GENERAL OPINION NO. 78- 88

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

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

Synopsis: Territory of the Wyandotte County Public Library should not be included in determining the population within the district of the Kansas City, Kansas, Public Library, for determining the amount of the grant-in-aid to which such library is entitled under the State Grants-in-Aid to Libraries Act, K.S.A. 75-2553 *et seq.*

* * *

Dear Ms. Gilliland:

You advise that on November 3, 1964, the voters of Wyandotte County, excepting those of the City of Bonner Springs and of the Kansas City School District No. 500, voted to establish a county library. It was operated and maintained as a separate body until 1967, when the board of directors of the Wyandotte County Library entered into an agreement with the board of education of U.S.D. 500 for the latter to furnish library services to the area of Wyandotte County served by the library board.

K.S.A. 75-2556 provides for the determination of aid to be furnished to local libraries under the State Grants-in-Aid to Libraries Act, K.S.A. 75-2553 *et seq.* It states in pertinent part thus:

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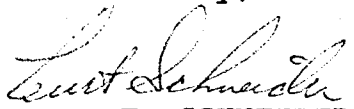
"Annually, on or before December 1, each local public library shall certify to the state library the total population residing within its district as determined from the latest population census figures of the state board of agriculture. From the figures so obtained the state librarian shall determine the amount each local public library is to receive, provided such library is otherwise eligible for grant-in-aid funds."

K.S.A. 75-2553(a) defines the term "local public libraries" to mean

"Kansas libraries operating under the provisions of K.S.A. 12-1215 to 12-1248, inclusive, and acts amendatory thereof and supplemental thereto."

In Opinion No. 74-338, we concluded that when the governing body of a municipality, *i.e.*, a city, county or township, did not maintain a library but instead contracted with a library for the furnishing of library service to the municipality, the city, county or township could not itself be deemed to be a "local public library" as defined at K.S.A. 75-2553(a). Here, the contracting party is not the governing body of a municipality, *i.e.*, of a city, county or township, acting pursuant to K.S.A. 12-1230, but a library board of a library district entering into a contract for library services pursuant to K.S.A. 12-1225(f). The library board does not operate a library, although it does contract for the furnishing of library service to its constituents by the Kansas City, Kansas, Public Library. The board itself does not operate a library. The State Grants-in-Aid to Libraries Act, K.S.A. 75-2553 *et seq.*, clearly contemplates that grants awarded thereunder shall be made to operating libraries. The board of directors of the Wyandotte County library does not operate a library service. The territory of the Kansas City, Kansas, Public Library does not include the population residing outside that district but within the area served by it under contract with the board of directors of the Wyandotte County Library. Thus, Opinion No. 74-338 is controlling in this instance, in my judgment.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj