



STATE OF KANSAS

*Office of the Attorney General*

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*Curt T. Schneider*  
Attorney General

July 13, 1978

ATTORNEY GENERAL OPINION NO. 78- 234

Mr. Alan M. Boeh  
Doniphan County Attorney  
Post Office Box 486  
Troy, Kansas 66087

Re: Cities and Municipalities--Libraries--Dissolution of  
Library Districts

Synopsis: A board of county commissioners is not authorized to  
dissolve the corporate existence of a library district  
created pursuant to K.S.A. 12-1236, *et seq.*

\* \* \*

Dear Mr. Boeh:

You request the opinion of this office whether a board of county commissioners has the authority to dissolve a library district created pursuant to K.S.A. 12-1236, *et seq.*, and if so how may it be accomplished and what procedure must be followed in disposing of the district's assets. As you accurately note in your letter, while the statutory requirements for creating such library districts are explicitly provided, the act does not specify how the dissolution of the district may be achieved.

The inherent nature of a library district formed under K.S.A. 12-1236, *et seq.* is that of a quasi-municipal corporation, as is apparent from the language granting districts the following powers found at K.S.A. 12-1242: ". . . shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes. . . ." Such corporate standing is created much the same way as a municipal corporation, *i.e.*, via legislative enactment, and as such it would be reasonable to conclude that they fall within the same general rule for dissolving the same:

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"A municipal corporation, or its inhabitants, may not surrender the municipal charter or dissolve the corporation unless authority to do so has been conferred by law . . . . Dissolution of a municipality can be effected only in the mode prescribed by law." 62 C.J.S. *Municipal Corporations* § 108.

Accordingly, absent the requisite authority to dissolve the library district, the board of county commissioners is without power to terminate the corporate existence of the library district.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JPS:kj