

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 24, 1978

ATTORNEY GENERAL OPINION NO. 78- 270

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

Re: Libraries--Regional Systems--System Board Representation

Synopsis: Institutional libraries, such as those of schools, community junior colleges, colleges and universities which are participating libraries in regional systems are entitled to representation on regional system boards created by K.S.A. 25-2550.

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Dear Ms. Gilliland:

You inquire concerning the representation of schools, community junior colleges, and colleges and universities on system boards of the regional systems of cooperating libraries established under K.S.A. 75-2547 *et seq.* K.S.A. 75-2550 provides for the composition of the system board thus:

"The system board shall consist of one or more representatives selected by each of the *boards participating in the regional system*, and one or more representatives appointed by the governor to represent territory not within the district of participating library board [*sic*] but within the territory of the regional system of participating libraries."

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K.S.A. 75-2548(c) defines the term "regional system of cooperating libraries" to mean

"two or more libraries cooperating in a system approved by the state commission and officially designated as a regional system of cooperating libraries under this act."

K.S.A. 75-2548(e) states thus:

"'Library' may include school, community junior college, college or university libraries to the extent authorized by rules and regulations of the state commission, but does not include law libraries."

Thus, school, community junior college, and college and universities may be "participating libraries" in the regional systems. K.S.A. 75-2548(b) states thus:

"'Participating board' or 'participating library' means a *board or library* or district that is cooperating and participating in a regional system of cooperating libraries."
[Emphasis supplied.]

The term "board" means a "library board of any library established or operating under authority of the laws of Kansas." The term is a familiar one to describe the boards of directors of libraries which are created under specific statutory authorization, such as K.S.A. 12-1222, e.g., K.S.A. 12-1232, K.S.A. 12-1241, and the like. School, community junior college and college and university libraries are not operated by library boards, as such, but are operated under the governance of boards of education, junior college boards of trustees, the chief executive officers of the respective state colleges or universities under policies established by the state board of regents, or the governing bodies of independent private colleges. Yet, libraries of such institutions may be "participating libraries," which, under K.S.A. 75-2548, is synonymous with the term "participating board." Both terms

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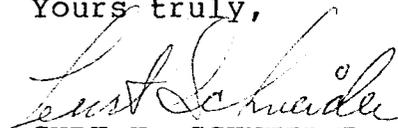
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are in turn defined to include either a "board or library" participating in the system. [Emphasis supplied.] Each "participating board," and hence, each "participating library" is entitled to representation on the system board. The fact that a "participating library" does not operate under the auspices of a separate "library board" does not disqualify it from representation on the system board, if the library is in fact a "participating library" in the system. The representative of a participating school library, e.g., may be a person designated by the board of education to represent its participating library on the system board. Similarly, a participating community junior college library may be represented on the system board by a representative designated by the community junior college board of trustees.

Thus, in my judgment, there is an adequate statutory basis to entitle representatives of all participating libraries to serve on the system board, including representatives of institutional libraries of schools, community junior colleges and colleges and universities which are not operated by separate library boards.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj