



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 12, 1976

ATTORNEY GENERAL OPINION NO. 76- 251

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

RE: Libraries - Regional Systems - Powers

SYNOPSIS: The system board of a regional system of cooperating libraries, established under K.S.A. 75-2547 *et seq.*, is authorized to acquire, by purchase, rental or lease, physical facilities to house the operations of such system.

* * *

Dear Ms. Gilliland:

You inquire whether a Kansas regional system of cooperating libraries, established pursuant to K.S.A. 75-2547 *et seq.*, may acquire by purchase property to house their operations.

A "regional system of cooperating libraries" is defined by K.S.A. 75-2548(c) as

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

The stated purpose of the act is

"to provide adequate library services to all citizens of the state through the regional systems of cooperating libraries herein provided, by use of joint planning

Ernestine Gilliland
August 12, 1976
Page Two

and financing of library services to improve existing service, to utilize such federal funds as may be available and to extend library service to persons not having the same at this time."

Each "regional system" is governed by a "system board," which is defined as the

"governing board comprised of representatives of libraries in a regional system of cooperating libraries, and which is authorized by this act to direct and plan library service for a regional system to the extent and in the manner provided by this act."

The powers of the board must be construed in accordance with the foregoing. Those powers are set forth with great generality at K.S.A. 75-2550, whereby it is empowered to

"(1) to operate a system of library service to and for participating libraries, (2) the system board may purchase service from a participating library for the benefit of the regional system of cooperating libraries, (3) the system board may contribute to or receive contribution from any participating library, and may receive and utilize any gift of funds or property donated to the regional system of cooperating libraries, (4) the system board may contract with any one or more participating libraries and the board of each participating library is hereby authorized to contract with the system board or with any one or more boards , (5) the system board may contract with any other system board or any board . . . and (6) employ a system librarian and such other persons as the regional board may find convenient or necessary."

It is a frequent rubric of statutory construction that a body such as the system board, which is created by statute shall have only those powers expressly granted to it, and those other powers which reasonably and necessarily may be implied from those expressly granted. Although the express powers of the system boards are set forth in rather general terms, those powers must be construed

Ernestine Gilliland
August 12, 1976
Page Three

in light of the rather substantial responsibilities they bear, and the broad statutory description of the purposes of the regional systems themselves. Certainly, some physical facilities may be necessary to enable to the system board to house the system librarian and other employees of the system board, and to accommodate library services which it may extend to participating libraries. The act contemplates that the system shall be a vehicle for cooperation between the participating libraries, and to a substantial extent, its activities may be carried out through those participating libraries. However, as the activities of a system library grow, separate and independent physical facilities may be necessary to support those activities. The power and authority to furnish such facilities is surely a power which is reasonably, and indeed, necessarily implied from the express powers and purposes of a regional system.

Accordingly, it is my opinion that a system board is authorized and empowered to acquire, by purchase, rental or lease, physical facilities to house the operations of the regional system of cooperating libraries which it governs.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:en