



OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

December 20, 1973

OPINION LETTER NO. 278

Mr. Charles O'Halloran  
State Librarian  
Missouri State Library  
308 East High Street  
Jefferson City, Missouri 65101

Dear Mr. O'Halloran:

This is in response to your request for an opinion on the following question:

"The 76th General Assembly passed Senate Bill 581 which provides that 'in case a county library district is established and a free county library authorized as provided in section 182.010, within sixty days after the establishment of the county library district, there shall be created a county library board of trustees.  
. . . .'

"The 76th General Assembly also passed Senate Bill 583 which provides that the County Court of any County may create a county library district without a petition or submission to the voters as provided in Section 182.010. (This is contained in Section 182.015 of Senate Bill 583.)

"My question is: Does Senate Bill 581 authorize the County Court to appoint a Library Board of Trustees of five members within sixty days of the establishment of a free County Library, if that County Library District is established under provision of Senate Bill 583 (Section 182.015)?"

Mr. Charles O'Halloran

In 1972 Senate Bill 583, Section 1, 76th General Assembly, (Section 182.015, V.A.M.S.), provided a method for the creation of a county library district without petition as an alternative to the method provided by Section 182.010, RSMo 1969, which required a petition. The legislature also passed Senate Bill 581 of the 76th General Assembly (Section 182.050, V.A.M.S.), which provides the method for establishing a first board of trustees of a county library district created pursuant to Section 182.010. Since Senate Bill 583 requires that the formation of a county library district under its provisions be consistent with Section 182.010, except for the requirement of a petition, and an additional requirement that the county library district not contain any part of a regional library system, it follows that the first board of directors of a district formed under the provisions of Senate Bill 583 would be created in the same way that a board be created if the district had been formed under Section 182.010. Therefore, Senate Bill 581, Section 182.050, V.A.M.S., is applicable to the creation of the first board of directors for library districts formed under Senate Bill 583.

Very truly yours,



JOHN C. DANFORTH  
Attorney General