

1980 WL 121062 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1980

***1 Re: Statewide Bibliographic Network**

Ms. Betty E. Callaham
State Librarian
South Carolina State Library
P. O. Box 11469
Columbia, South Carolina 29211

Dear Ms. Callaham:

You have requested an opinion from this office as to whether the current enabling statute provides the State Library with authority to proceed with the development of the statewide bibliographic network, which will serve libraries in South Carolina with products and services derived from computer and telecommunications technology. While it is difficult for me to envision every possible need that may arise in this development program, I feel confident that your present statute is broad enough to give you such power.

[Section 60-1-40 of the South Carolina Code of Laws \(1976\)](#) provides:

It shall be the duty of the board of directors to create and improve public libraries over the entire State and devise and carry into effect methods by which public libraries may be extended to the rural districts of the State . . .

[Section 60-1-50 of the Code](#) further provides that the Board of Directors may:

(1) Receive funds derived from gifts to the Library or from any private or public source and administer and disburse such funds in such manner as may in its judgment best advance the objects above stated;

In my opinion, these provisions give the Board of Directors broad authority and discretion in developing library programs. Of course, in contracting to develop such programs, the Board must follow other statutes and regulations that might apply, such as the requirement for bidding, etc.

It is also important to note, as pointed out in your letter, that the Library Services and Construction Act, P.L. 84-597 specifically provides for the use of federal grants for the planning of cooperative library networks and the establishing, expanding, and operation of local, regional, and interstate cooperative networks of libraries. On July 31, 1979, the Attorney General certified that the State Library had authority under State law to develop, submit and administer or supervise the administration of the State plan under the Library Services and Construction Act. This is a further indication of the authority of the State Library to develop a statewide bibliographic network. However, if you desire to remove any possible question as to your authority, you may desire to seek specific authority from the General Assembly as evidently has been done in Delaware and South Dakota.

If I can be of further assistance to you in this matter, please do not hesitate to contact me.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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