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Honorable Rebecca S. Mitchell
Director, Alabama Public Library Service
6030 Monticello Drive
Montgomery, Alabama 36130-6000

Public Library Service – Leases – Real Property – Rent – State Departments and Agencies

The authority given to the Alabama Public Library Service ("APLS") in section 41-8-5 of the Code of Alabama allows APLS to rent available space in its building to other state agencies and to charge state agencies and nonstate organizations for the use of APLS meeting room spaces.

Dear Ms. Mitchell:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

(1) Having downsized staff, can the Alabama Public Library Service rent space in its building to another state agency for a fee, which is intended to offset the costs of utilities, repairs, and maintenance?

(2) Can APLS charge state agencies and nonstate organizations for the usage of its meeting room spaces, which are designed to accommodate both small and large groups?

FACTS AND ANALYSIS

You seek an opinion defining the boundaries for renting building space to another state agency and instituting fees for the usage of APLS meeting spaces. Your request states that APLS has experienced increasing difficulty in covering operating costs and is now considering alternatives to help APLS generate income.

The Alabama Public Library Service was created pursuant to chapter 8 of title 41 of the Code. Among those powers specifically enumerated in section 41-8-5, APLS "may receive and shall administer all funds, books or other property from whatever source, under such conditions as may be deemed necessary in order to carry out the purpose of this article; . . ." ALA. CODE § 41-8-5 (2000).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *IMED Corp. v. Sys. Eng'g Assoc. Corp.*, 602 So. 2d 344, 346 (Ala. 1992). When possible, "the intent of the legislature should be gathered from the language of the statute itself." *Perry v. City of Birmingham*, 906 So. 2d 174, 176 (Ala. 2005), *quoting Beavers v. Walker County*, 645 So. 2d 1365, 1376 (Ala. 1994).

Section 41-8-5 of the Code demonstrates an intent by the Legislature to facilitate the overall public library service in the state and the operation of duties that such service entails by expressly authorizing APLS to receive and administer funds from "whatever source" and "under such conditions" as deemed necessary. The power to rent building space may justifiably be deemed necessary to protect state interests, increase efficiency, and promote the extension of public library service throughout the state. Similarly, fees intended to cover APLS operating costs that are charged for the use of meeting spaces may be considered necessary for carrying out the purposes of the article, which is consistent with the language of section 41-8-5.

This conclusion is consistent with previous opinions of this Office that state the following:

- Crime Victims' Compensation Commission may construct a building under its power to provide for and maintain all necessary facilities (opinion to Honorable Martin A. Ramsay, Executive Director, Alabama Crime Victims Compensation Commission, dated June 23, 2006, A.G. No. 2006-113); and

- County may lease unused space under its power to direct, control, and maintain property of the county (opinion to Honorable Annette Webb Bozeman, Marion County Probate Judge, dated November 18, 1998, A.G. No. 99-00044).

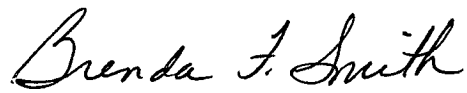
CONCLUSION

The authority given to the Alabama Public Library Service in section 41-8-5 of the Code allows APLS to rent available space in its building to other state agencies and to charge state agencies and nonstate organizations for the use of APLS meeting room spaces.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE
Attorney General
By:



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