

As Amended by House Committee

HOUSE BILL No. 2176

By Representatives Rhiley and Roth

1-25

1 AN ACT concerning library districts; creating the Arkansas city area
2 public library district act and the Udall area public library district
3 act; requiring an election to create such district; authorizing a tax levy
4 therefor; amending K.S.A. 75-2554 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. When used in this act and unless otherwise
8 specifically provided therein:

9 (a) "Board of education" means the board of education of unified
10 school district No. 470;

11 (b) "city" means the city of Arkansas city, Kansas;

12 (c) "county" means Cowley county;

13 (d) "library" means a library that serves the general public and is
14 supported in whole or in part with tax moneys and shall be called the

15 Arkansas city area library district;

16 (e) "library district" means all territory located within the boundaries
17 of unified school district No. 470; and

18 (f) "library district board" means the library district board of trustees
19 appointed pursuant to the provisions of this act.

20 New Sec. 2. (a) The board of trustees of the Arkansas city public
21 library may adopt a resolution proposing to create a library district and
22 stating the proposed tax levy amount for the library district. Copies of the
23 resolutions shall be filed with the county election officer, who shall call
24 and hold an election thereon in the manner provided by the general bond
25 law.

26 (b) If a majority of the qualified electors of the proposed library
27 district vote in favor of the proposition:

28 (1) A library district shall be established and maintained, and a
29 library district board shall be appointed as provided in this act;

30 (2) all contracts entered into by the Arkansas city public library shall
31 be binding on the library district board appointed pursuant to section 3,
32 and amendments thereto; and

33 (3) all outstanding bonds, debts and other obligations of the Arkansas
34 city public library shall become an obligation of the Arkansas city area
35 library district, except that all bonds and debts relating to the ownership or
36 improvement of the real property on which the Arkansas city public library

Proposed Amendments to
House Bill No. 2176

As Amended by House Committee
Senate Committee on Local Government
"Regional Library System"

Prepared by: Jason Long
Office of Revisor of Statutes

1 operates shall remain an obligation of the city of Arkansas city, Kansas.

2 New Sec. 3. (a) Any library district created pursuant to the provisions
3 of this act shall be governed by a board of trustees. The board shall consist
4 of seven members. Four members shall be appointed by the governing
5 body of the city of Arkansas city with one such member residing outside
6 the city. Three members shall be appointed by the board of education and
7 shall reside outside the city of Arkansas city.

8 (b) Members of the board of directors of the Arkansas city public
9 library serving prior to the election creating the library district shall remain
10 on the board until the expiration of the term for which the member was
11 originally appointed. Such members shall be eligible for reappointment.

12 (c) Members of the library district board shall be appointed for a term
13 of four years and until their successors are appointed and qualified. No
14 person who has been appointed for two consecutive four-year terms to the
15 library board shall be eligible for further appointment to the library board
16 until one year after the expiration of the second term. Vacancies on the
17 library district board shall be filled by appointment for the unexpired term.

18 (d) Members of the library district board shall receive no
19 compensation but shall be paid their actual and necessary expenses in
20 attending meetings and in carrying out their duties as members of the
21 board.

22 New Sec. 4. (a) Each year, the members of the library district board
23 shall meet and organize by the election of a chairperson, a secretary, a
24 treasurer and such other officers as they may deem necessary. The board
25 shall fix the date and place of its regular meetings, and special meetings
26 may be called by the chairperson or upon written request of a majority of
27 the members. Written notice, stating the time and place of any special
28 meeting and the purpose for which called, unless waived, shall be given to
29 each member of the board at least two days in advance of such meeting,
30 and no business other than business stated in the notice shall be transacted
31 at such meeting.

32 (b) The treasurer of the library district board shall give bond in an
33 amount fixed by the library district board and approved by the board of
34 education. The bond shall be filed with the county clerk.

35 (c) The county treasurer shall pay over to the treasurer of the library
36 district board all funds collected for the maintenance and support of the
37 library district, and the treasurer of the library district board shall pay out
38 the funds on orders of the board signed by the secretary and chairperson.
39 Such treasurer shall keep an accurate record of all moneys received and
40 disbursed and make a report to the library board monthly, or as often as the
41 board requires.

42 New Sec. 5. The library shall be free for the use of the residents of
43 the library district, subject to reasonable rules and regulations as the

1 library district board may adopt. The library district board may exclude
2 from the use of the library any person who shall willfully violate such
3 rules. The library district board may extend the use and privilege of such
4 library to nonresidents of the district, charge nonresidents a reasonable fee
5 and make exchanges of books with any other library upon such terms and
6 conditions as the library district board may prescribe.

7 New Sec. 6. The library district board shall constitute a body
8 corporate and politic, possessing the usual powers of a corporation for
9 public purposes and may contract, sue and be sued and acquire, hold and
10 convey real and personal property in accordance with law. Further, the
11 board shall have the power to:

12 (a) Make and adopt rules and regulations for the administration of the
13 library;

14 (b) purchase or lease a site or sites and to lease or to erect a building
15 or buildings for the use of the library;

16 (c) acquire by purchase, gift or exchange any books, magazines,
17 papers, printed materials, slides, pictures, films, projection equipment,
18 phonograph records and other materials and equipment deemed necessary
19 by the board for the maintenance and extension of modern library services;
20 (d) employ a librarian and such other employees as the board deems
21 necessary, to remove such employees and to fix their compensation;

22 (e) establish and maintain a library or libraries and traveling library
23 services within the district or within any other municipality with which
24 service contract arrangements have been made;

25 (f) contract with other libraries or with the governing body of a
26 municipality for the furnishing of library services to the inhabitants of such
27 municipality to the extent and upon such terms as may be agreed upon and
28 to contract with any school board to furnish library services to any school
29 library or to use the library facilities of the public school to supplement the
30 facilities of the public library;

31 (g) receive, accept and administer any moneys appropriated or
32 granted to it by the state or the federal government or any agency or
33 subdivision thereof for the purpose of aiding or providing library services;

34 (h) receive and accept any gift or donation to the library and
35 administer the same in accordance with any provisions thereof. If no
36 provisions are specified, the board shall have the power to hold, invest or
37 reinvest the gift and any dividends, interest, rent or income derived from
38 the gift in the manner the board deems will best serve the interests of the
39 library;

40 (i) receive and accept any grant, gift, donation or appropriated or
41 other funds from the United States government, or its agencies, or any
42 other source whatsoever for the purposes of the library district established
43 under this act;

1 (j) make annual reports to the state librarian and the governing body
2 of the board of education each year for the preceding calendar year
3 showing receipts and disbursements from all funds under its control and
4 showing such statistical information relating to library materials acquired
5 and on hand, number of library users, library services available and other
6 information of general interest as the governing body requires; and

7 (k) place moneys received from sources other than a tax levy for
8 library purposes in a separate fund or funds or in the fund to which the tax
9 levy moneys are credited, unless the grantor or donor directs how and for
10 what purpose the money shall be spent.

11 New Sec. 7. (a) The library district board shall prepare an annual
12 budget for the maintenance, support and operation of the library. Prior to
13 the certification of its budget to the board of education, the library district
14 board shall meet for the purpose of answering and hearing objections of
15 taxpayers relating to the proposed budget and for the purpose of
16 considering amendments to such proposed budget. The library district
17 board shall give at least 10 days' notice of the time and place of the
18 meeting by publication in a weekly or daily newspaper having general
19 circulation in the taxing district. Such notice shall include the proposed
20 budget and shall set out all essential items in the budget. The public
21 hearing required to be held shall be held not less than 10 days prior to the
22 date on which the library board is required to certify its budget to the
23 board of education. After such hearing, the budget shall be adopted or
24 amended and adopted by the library district board by passage of a
25 resolution. A copy of the budget shall be filed with the clerk of the board
26 of education and the Cowley county clerk.

27 (b) Any resolution adopted under subsection (a) shall state the total
28 amount of the tax to be levied for the library district by the board of
29 education. The resolution shall be published once each week for two
30 consecutive weeks in the official newspaper of the taxing district. Such tax
31 levy shall be levied on behalf of the library district by the board of
32 education.

33 (c) Such tax levy amount may be levied in each successive budget
34 year unless a petition requesting an election upon the proposition to
35 increase the tax levy in excess of the current tax levy, signed by at least 5%
36 of the qualified voters of the taxing district, is filed with the county
37 election officer within 30 days following the date of the last publication of
38 the resolution. In the event a valid petition is filed, no such increased levy
39 shall be made without such proposition having been submitted to and
40 approved by a majority of the voters of the taxing district voting at an
41 election.

42 (d) Any such election shall be called and held in the manner provided
43 by the general bond law, and the cost of the election shall be paid by the

1 library district board. Such taxes shall be levied and collected in like
2 manner as other taxes, and the board of education shall certify such levy
3 to the county clerk, who is hereby authorized to levy tax on behalf of the
4 library district.

5 (e) The tax levy provided in this section shall not be considered to be
6 a tax levy of the board of education.

7 (f) All financial records of the library board shall be audited as
8 provided in K.S.A. 75-1122, and amendments thereto, and a copy of
9 such annual audit report shall be filed with the board of education and
10 with the Cowley county clerk. The cost of each audit shall be paid by the
11 library district board.

12 (g) Notwithstanding any other provision of law, upon the date the tax
13 levy provided for in this act takes effect, no tax levy on land within the
14 library district created by this act shall be imposed, ~~required or collected~~ to

15 support a regional system of cooperating libraries; _____
16 New Sec. 8. Sections 1 through 8, and amendments thereto, shall be
17 known and may be cited as the Arkansas city area public library district
18 act.

19 New Sec. 9. When used in this act and unless otherwise
20 specifically provided therein:

21 (a) "Board of education" means the board of education of unified
22 school district No. 463;

23 (b) "city" means the city of Udall, Kansas;

24 (c) "county" means Cowley county;

25 (d) "library" means a library that serves the general public and
26 is supported in whole or in part with tax moneys and shall be called
27 the Udall area public district library;

28 (e) "library district" means all territory located within the
29 boundaries of unified school district No. 463; and

30 (f) "library district board" means the library district board of
31 trustees appointed pursuant to the provisions of this act.

32 New Sec. 10. (a) The board of trustees of the Udall public library
33 may adopt a resolution proposing to create a library district and
34 stating the proposed tax levy amount for the library district. Copies of
35 the resolutions shall be filed with the county election officer, who shall
36 call and hold an election thereon. Such election shall be called and
37 held in the manner provided by the general bond law.

38 (b) If a majority of the qualified electors of the proposed library
39 district vote in favor of the proposition:

40 (1) A library district shall be established and maintained, and a
41 library district board shall be appointed as provided in this act;

42 (2) all contracts entered into by Udall public library shall be
43 binding on the library district board appointed pursuant to section 11,

for any subsequent calendar year

On such date, the Arkansas city public library shall cease to be a
participating library in the south central Kansas library system. The
library district may submit a petition to join the south central Kansas
library system as a participating library.

1 and amendments thereto; and

2 (3) all outstanding bonds, debts and other obligations of the Udall
3 public library shall become an obligation of the Udall area library
4 district, except that all bonds and debts relating to the ownership or
5 improvement of the real property on which the Udall public library
6 operates shall remain an obligation of the city of Udall, Kansas.

7 New Sec. 11. (a) Any library district created pursuant to the
8 provisions of this act shall be governed by a board of trustees. The
9 board shall consist of seven members. Four members shall be
10 appointed by the governing body of the city of Udall with one such
11 member residing outside the city. Three members shall be appointed
12 by the board of education and shall reside outside the city of Udall.

13 (b) Members of the board of directors of the Udall public library
14 serving prior to the election creating the library district shall remain
15 on the board until the expiration of the term for which the member
16 was originally appointed. Such members shall be eligible for
17 reappointment.

18 (c) Members of the library district board shall be appointed for a
19 term of four years and until their successors are appointed and
20 qualified. No person who has been appointed for two consecutive four-
21 year terms to the library board shall be eligible for further
22 appointment to the library board until one year after the expiration of
23 the second term. Vacancies on the library district board shall be filled
24 by appointment for the unexpired term.

25 (d) Members of the library district board shall receive no
26 compensation but shall be paid their actual and necessary expenses in
27 attending meetings and in carrying out their duties as members of the
28 board.

29 New Sec. 12. (a) Each year, the members of a library district
30 board shall meet and organize by the election of a chairperson, a
31 secretary, a treasurer and such other officers as they may deem
32 necessary. The board shall fix the date and place of its regular
33 meetings, and special meetings may be called by the chairperson or
34 upon written request of a majority of the members. Written notice,
35 stating the time and place of any special meeting and the purpose for
36 which called, unless waived, shall be given to each member of the
37 board at least two days in advance of such meeting, and no business
38 other than business stated in the notice shall be transacted at such
39 meeting.

40 (b) The treasurer of the library district board shall give bond in
41 an amount fixed by the library district board and approved by the
42 board of education. The bond shall be filed with the county clerk.

43 (c) The county treasurer shall pay over to the treasurer of the

1 library district board all funds collected for the maintenance and
2 support of the library district, and the treasurer of the library district
3 board shall pay out the funds on orders of the board signed by the
4 secretary and chairperson. Such treasurer shall keep an accurate
5 record of all moneys received and disbursed and make a report to the
6 library board monthly, or as often as the board requires.

7 New Sec. 13. The library shall be free for the use of the residents
8 of the library district, subject to reasonable rules and regulations as
9 the library district board may adopt. The library board may exclude
10 from the use of the library any and all persons who shall willfully
11 violate such rules. The library board may extend the use and privilege
12 of such library to nonresidents of the district, charge nonresidents a
13 reasonable fee and make exchanges of books with any other library
14 upon such terms and conditions as the library district board may
15 prescribe.

16 New Sec. 14. The library district board shall constitute a body
17 corporate and politic, possessing the usual powers of a corporation for
18 public purposes and may contract, sue and be sued and acquire, hold
19 and convey real and personal property in accordance with law.
20 Further, the board shall have the power to:

21 (a) Make and adopt rules and regulations for the administration
22 of the library;

23 (b) purchase or lease a site or sites and to lease or to erect a
24 building or buildings for the use of the library;

25 (c) acquire by purchase, gift or exchange any books, magazines,
26 papers, printed materials, slides, pictures, films, projection
27 equipment, phonograph records and other material and equipment
28 deemed necessary by the board for the maintenance and extension of
29 modern library services;

30 (d) employ a librarian and such other employees as the board
31 deems necessary, to remove such employees and to fix their
32 compensation;

33 (e) establish and maintain a library or libraries and traveling
34 library services within the district or within any other municipality
35 with which service contract arrangements have been made;

36 (f) contract with other libraries or with the governing body of a
37 municipality for the furnishing of library services to the inhabitants of
38 such municipality to the extent and upon such terms as may be agreed
39 upon and to contract with any school board to furnish library services
40 to any school library or to use the library facilities of the public school
41 to supplement the facilities of the public library;

42 (g) receive, accept and administer any moneys appropriated or
43 granted to it by the state or the federal government or any agency or

1 subdivision thereof for the purpose of aiding or providing library
2 services;

3 (h) receive and accept any gift or donation to the library and
4 administer the same in accordance with any provisions thereof. If no
5 provisions are specified, the board shall have the power to hold, invest
6 or re-invest the gift and any dividends, interest, rent or income
7 derived from the gift in the manner the board deems will best serve
8 the interests of the library;

9 (i) receive and accept any grant, gift, donation or appropriated or
10 other funds from the United States government, or its agencies, or any
11 other source whatsoever for the purposes of the library district
12 established under this act;

13 (j) make annual reports to the state librarian and the governing
14 body of the board of education each year for the preceding calendar
15 year showing receipts and disbursements from all funds under its
16 control and showing such statistical information relating to library
17 materials acquired and on hand, number of library users, library
18 services available and other information of general interest as the
19 governing body requires; and

20 (k) place moneys received from sources other than a tax levy for
21 library purposes in a separate fund or funds or in the fund to which
22 the tax levy moneys are credited, unless the grantor or donor directs
23 how and for what purpose the money shall be handled and spent.

24 New Sec. 15. (a) The library district board shall prepare an
25 annual budget for the maintenance, support and operation of the
26 library. Prior to the certification of its budget to the board of
27 education, the library board shall meet for the purpose of answering
28 and hearing objections of taxpayers relating to the proposed budget
29 and for the purpose of considering amendments to such proposed
30 budget. The library board shall give at least 10 days' notice of the time
31 and place of the meeting by publication in a weekly or daily
32 newspaper having general circulation in the taxing district. Such
33 notice shall include the proposed budget and shall set out all essential
34 items in the budget. The public hearing required to be held shall be
35 held not less than 10 days prior to the date on which the library board
36 is required to certify its budget to the board of education. After such
37 hearing, the budget shall be adopted or amended and adopted by the
38 library board by passage of a resolution. A copy of the budget shall be
39 filed with the clerk of the board of education and the Cowley county
40 clerk.

41 (b) Any resolution adopted under subsection (a) shall state the
42 total amount of the tax to be levied for the library district by the
43 board of education. The resolution shall be published once each week

1 for two consecutive weeks in the official newspaper of the taxing
2 district. Such tax levy shall be levied on behalf of the library district
3 by the board of education.

4 (c) Such tax levy amount may be levied in each successive budget
5 year unless a petition requesting an election upon the proposition to
6 increase the tax levy in excess of the current tax levy, signed by at least
7 5% of the qualified voters of the taxing district, is filed with the
8 county election officer within 30 days following the date of the last
9 publication of the resolution. In the event a valid petition is filed, no
10 such increased levy shall be made without such proposition having
11 been submitted to and approved by a majority of the voters of the
12 taxing district voting at an election.

13 (d) Any such election shall be called and held in the manner
14 provided by the general bond law, and the cost of the election shall be
15 paid by the library district board. Such taxes shall be levied and
16 collected in like manner as other taxes, and the board of education
17 shall certify such levy to the county clerk, who is hereby authorized to
18 levy tax on behalf of the library district.

19 (e) The tax levy provided in this section shall not be considered to
20 be a tax levy of the board of education.

21 (f) All financial records of the library board shall be audited as
22 provided in K.S.A. 75-1122, and amendments thereto, and a copy of
23 such annual audit report shall be filed with the board of education and
24 with the Cowley county clerk. The cost of each audit shall be paid by
25 the library district board.

26 (g) Notwithstanding any other provision of law, upon the date the
27 tax levy provided for in this act takes effect, no tax levy on land within
28 the library district created by this act shall be imposed, ~~required or~~
29 ~~collected~~ to support a regional system of cooperating libraries.

30 New Sec. 16. Sections 9 through 16, and amendments thereto,
31 shall be known and may be cited as the Udall area public library
32 district act.

33 Sec. 9. 17. K.S.A. 75-2554 is hereby amended to read as follows: 75-
34 2554. As used in this act, unless the context clearly indicates a different
35 meaning:

36 (a) "Local public libraries" mean:

37 (1) Kansas libraries operating under the provisions of K.S.A. 12-1215
38 ~~to through 12-1248, inclusive,~~ and amendments thereto;

39 (2) libraries operating under the provisions of K.S.A. ~~1997 Supp. 12-~~
40 ~~1260 to through 12-1270, inclusive,~~ and amendments thereto;

41 (3) ~~libraries operating under the provisions of sections 1 through 8,~~
42 ~~and amendments thereto;~~

43 (4) ~~libraries operating under the provisions of sections 9 through~~

for any subsequent calendar year

On such date, the Udall public library shall cease to be a participating library in the south central Kansas library system. The library district may submit a petition to join the south central Kansas library system as a participating library.

1 **16, and amendments thereto;**

2 **(5)** libraries operating under the provisions of K.S.A. ~~1997 Supp.~~ 12-
3 1276, and amendments thereto;

4 ~~(4)-(5)~~ **(6)** libraries operating under the provisions of K.S.A. 72-1623,
5 and amendments thereto; or

6 ~~(5)-(6)~~ **(7)** municipalities contracting with any library for the
7 furnishing of library services to such municipality pursuant to K.S.A. 12-
8 1230 or 12-1269, and amendments thereto;

9 **(b)** "regional libraries" mean the regional systems of libraries
10 heretofore organized and operating under authority of K.S.A. 75-2547 ~~to~~
11 ~~through 75-2552-inclusive~~, and amendments thereto;

12 **(c)** "state library" means the Kansas state library created and
13 operating under authority of K.S.A. 75-2534, and amendments thereto; and

14 **(d)** "state librarian" means the state librarian appointed pursuant to
15 K.S.A. 75-2535, and amendments thereto.

16 ~~Sec. 10-18.~~ K.S.A. 75-2554 is hereby repealed.

17 ~~Sec. 11-19.~~ This act shall take effect and be in force from and after
18 its publication in the statute book.