

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

1 library district, except that all bonds and debts relating to the ownership or
2 improvement of the real property on which the Arkansas city public library
3 operates shall remain an obligation of the city of Arkansas city, Kansas.

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

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

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

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

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

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

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

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

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

14 (a) Make and adopt rules and regulations for the administration of the
15 library;

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

18 (c) acquire by purchase, gift or exchange any books, magazines,
19 papers, printed materials, slides, pictures, films, projection equipment,
20 phonograph records and other materials and equipment deemed necessary
21 by the board for the maintenance and extension of modern library services;

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

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

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

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

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

42 (i) receive and accept any grant, gift, donation or appropriated or
43 other funds from the United States government, or its agencies, or any

1 other source whatsoever for the purposes of the library district established
2 under this act;

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

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

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

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

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

1 (d) Any such election shall be called and held in the manner provided
2 by the general bond law, and the cost of the election shall be paid by the
3 library district board. Such taxes shall be levied and collected in like
4 manner as other taxes, and the board of education shall certify such levy
5 to the county clerk, who is hereby authorized to levy tax on behalf of the
6 library district.

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

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

14 (g) Notwithstanding any other provision of law, upon the date the tax
15 levy provided for in this act takes effect, no tax levy on land within the
16 library district created by this act shall be imposed. ~~required or collected~~
17 *for any subsequent calendar year* to support a regional system of
18 cooperating libraries. *On such date, the Arkansas city public library shall*
19 *cease to be a participating library in the south central Kansas library*
20 *system. Such library district may submit a petition to join the south*
21 *central Kansas library system as a participating library.*

22 New Sec. 8. Sections 1 through 8, and amendments thereto, shall be
23 known and may be cited as the Arkansas city area public library district
24 act.

25 **New Sec. 9. When used in this act and unless otherwise**
26 **specifically provided therein:**

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

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

30 (c) "county" means Cowley county;

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

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

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

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

1 **(b) If a majority of the qualified electors of the proposed library**
2 **district vote in favor of the proposition:**

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

5 **(2) all contracts entered into by Udall public library shall be**
6 **binding on the library district board appointed pursuant to section 11,**
7 **and amendments thereto; and**

8 **(3) all outstanding bonds, debts and other obligations of the Udall**
9 **public library shall become an obligation of the Udall area library**
10 **district, except that all bonds and debts relating to the ownership or**
11 **improvement of the real property on which the Udall public library**
12 **operates shall remain an obligation of the city of Udall, Kansas.**

13 **New Sec. 11. (a) Any library district created pursuant to the**
14 **provisions of this act shall be governed by a board of trustees. The**
15 **board shall consist of seven members. Four members shall be**
16 **appointed by the governing body of the city of Udall with one such**
17 **member residing outside the city. Three members shall be appointed**
18 **by the board of education and shall reside outside the city of Udall.**

19 **(b) Members of the board of directors of the Udall public library**
20 **-serving prior to the election creating the library district shall remain**
21 **on the board until the expiration of the term for which the member**
22 **was originally appointed. Such members shall be eligible for**
23 **reappointment.**

24 **(c) Members of the library district board shall be appointed for a**
25 **term of four years and until their successors are appointed and**
26 **qualified. No person who has been appointed for two consecutive four-**
27 **year terms to the library board shall be eligible for further**
28 **appointment to the library board until one year after the expiration of**
29 **the second term. Vacancies on the library district board shall be filled**
30 **by appointment for the unexpired term.**

31 **(d) Members of the library district board shall receive no**
32 **compensation but shall be paid their actual and necessary expenses in**
33 **attending meetings and in carrying out their duties as members of the**
34 **board.**

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

1 other than business stated in the notice shall be transacted at such
2 meeting.

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

6 (c) The county treasurer shall pay over to the treasurer of the
7 library district board all funds collected for the maintenance and
8 support of the library district, and the treasurer of the library district
9 board shall pay out the funds on orders of the board signed by the
10 secretary and chairperson. Such treasurer shall keep an accurate
11 record of all moneys received and disbursed and make a report to the
12 library board monthly, or as often as the board requires.

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

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

27 (a) Make and adopt rules and regulations for the administration
28 of the library;

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

31 (c) acquire by purchase, gift or exchange any books, magazines,
32 papers, printed materials, slides, pictures, films, projection
33 equipment, phonograph records and other material and equipment
34 deemed necessary by the board for the maintenance and extension of
35 modern library services;

36 (d) employ a librarian and such other employees as the board
37 deems necessary, to remove such employees and to fix their
38 compensation;

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

42 (f) contract with other libraries or with the governing body of a
43 municipality for the furnishing of library services to the inhabitants of

1 such municipality to the extent and upon such terms as may be agreed
2 upon and to contract with any school board to furnish library services
3 to any school library or to use the library facilities of the public school
4 to supplement the facilities of the public library;

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

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

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

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

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

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

1 library board by passage of a resolution. A copy of the budget shall be
2 filed with the clerk of the board of education and the Cowley county
3 clerk.

4 (b) Any resolution adopted under subsection (a) shall state the
5 total amount of the tax to be levied for the library district by the
6 board of education. The resolution shall be published once each week
7 for two consecutive weeks in the official newspaper of the taxing
8 district. Such tax levy shall be levied on behalf of the library district
9 by the board of education.

10 (c) Such tax levy amount may be levied in each successive budget
11 year unless a petition requesting an election upon the proposition to
12 increase the tax levy in excess of the current tax levy, signed by at least
13 5% of the qualified voters of the taxing district, is filed with the
14 county election officer within 30 days following the date of the last
15 publication of the resolution. In the event a valid petition is filed, no
16 such increased levy shall be made without such proposition having
17 been submitted to and approved by a majority of the voters of the
18 taxing district voting at an election.

19 (d) Any such election shall be called and held in the manner
20 provided by the general bond law, and the cost of the election shall be
21 paid by the library district board. Such taxes shall be levied and
22 collected in like manner as other taxes, and the board of education
23 shall certify such levy to the county clerk, who is hereby authorized to
24 levy tax on behalf of the library district.

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

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

32 (g) Notwithstanding any other provision of law, upon the date the
33 tax levy provided for in this act takes effect, no tax levy on land within
34 the library district created by this act shall be imposed, ~~required or~~
35 ~~collected~~ *for any subsequent calendar year to support a regional system*
36 *of cooperating libraries. On such date, the Udall public library shall*
37 *cease to be a participating library in the south central Kansas library*
38 *system. Such library district may submit a petition to join the south*
39 *central Kansas library system as a participating library.*

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

43 Sec.-9: 17. K.S.A. 75-2554 is hereby amended to read as follows: 75-

1 2554. As used in this act, unless the context clearly indicates a different
2 meaning:

3 (a) "Local public libraries" mean:

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

6 (2) libraries operating under the provisions of K.S.A. ~~1997 Supp.~~ 12-
7 1260 ~~to through~~ 12-1270, ~~inclusive~~, and amendments thereto;

8 (3) *libraries operating under the provisions of sections 1 through 8,*
9 *and amendments thereto;*

10 (4) **libraries operating under the provisions of sections 9 through**
11 **16, and amendments thereto;**

12 (5) libraries operating under the provisions of K.S.A. ~~1997 Supp.~~ 12-
13 1276, and amendments thereto;

14 ~~(4)(5)(6)~~ (6) libraries operating under the provisions of K.S.A. 72-1623,
15 and amendments thereto; or

16 ~~(5)(6)(7)~~ (7) municipalities contracting with any library for the
17 furnishing of library services to such municipality pursuant to K.S.A. 12-
18 1230 or 12-1269, and amendments thereto;

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

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

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

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

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