

HOUSE BILL No. 2176

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

Be it enacted by the Legislature of the State of Kansas:

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

- (a) "Board of education" means the board of education of unified school district No. 470;
- (b) "city" means the city of Arkansas city, Kansas;
- (c) "county" means Cowley county;
- (d) "library" means a library that serves the general public and is supported in whole or in part with tax moneys and shall be called the Arkansas city area library district;
- (e) "library district" means all territory located within the boundaries of unified school district No. 470; and
- (f) "library district board" means the library district board of trustees appointed pursuant to the provisions of this act.

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

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

- (1) A library district shall be established and maintained, and a library district board shall be appointed as provided in this act;
- (2) all contracts entered into by the Arkansas city public library shall be binding on the library district board appointed pursuant to section 3, and amendments thereto; and
- (3) all outstanding bonds, debts and other obligations of the Arkansas city public library shall become an obligation of the Arkansas city area library district, except that all bonds and debts relating to the ownership or improvement of the real property on which the Arkansas city public library operates shall remain an obligation of the city of Arkansas city, Kansas.

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

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

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

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

board.

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

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

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

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

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

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

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

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

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

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

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

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

(h) receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof. If no provisions are specified, the board shall have the power to hold, invest or reinvest the gift and any dividends, interest, rent or income derived

from the gift in the manner the board deems will best serve the interests of the library;

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

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

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

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

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

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

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

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

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

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

subsequent calendar year to support a regional system of cooperating libraries. On such date, the Arkansas city public library shall cease to be a participating library in the south central Kansas library system. Such library district may submit a petition to join the south central Kansas library system as a participating library.

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

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

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

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

(c) "county" means Cowley county;

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

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

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

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

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

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

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

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

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

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

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

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

New Sec. 12. (a) Each year, the members of a library district board shall meet and organize by the election of a chairperson, a secretary, a treasurer and such other officers as they may deem

necessary. The board shall fix the date and place of its regular meetings, and special meetings may be called by the chairperson or upon written request of a majority of the members. Written notice, stating the time and place of any special meeting and the purpose for which called, unless waived, shall be given to each member of the board at least two days in advance of such meeting, and no business other than business stated in the notice shall be transacted at such meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

library system as a participating library.

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

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

(a) "Local public libraries" mean:

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

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

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

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

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

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

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

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

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

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

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

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

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted _____
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____
as amended _____
SENATE adopted _____
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.