

HOUSE BILL No. 2176

By Representatives Rhiley and Roth

1-25

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

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

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

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

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

11 (c) "county" means Cowley county;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (j) make annual reports to the state librarian and the governing body

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

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

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

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

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

41 (d) Any such election shall be called and held in the manner provided
42 by the general bond law, and the cost of the election shall be paid by the
43 library district board. Such taxes shall be levied and collected in like

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

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

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

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

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

18 Sec. 9. K.S.A. 75-2554 is hereby amended to read as follows: 75-
 19 2554. As used in this act, unless the context clearly indicates a different
 20 meaning:

21 (a) "Local public libraries" mean:

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

24 (2) libraries operating under the provisions of K.S.A. ~~1997 Supp. 12-~~
 25 ~~1260 to through 12-1270, inclusive~~, and amendments thereto;

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

28 (4) libraries operating under the provisions of K.S.A. ~~1997 Supp. 12-~~
 29 ~~1276, and amendments thereto;~~

30 ~~(4)-(5)~~ libraries operating under the provisions of K.S.A. 72-1623,
 31 and amendments thereto; or

32 ~~(5)-(6)~~ municipalities contracting with any library for the furnishing
 33 of library services to such municipality pursuant to K.S.A. 12-1230 or 12-
 34 1269, and amendments thereto;

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

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

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

42 Sec. 10. K.S.A. 75-2554 is hereby repealed.

43 Sec. 11. This act shall take effect and be in force from and after its

- 1 publication in the statute book.