## **HOUSE BILL No. 2410**

## By Representative Howe

11-21

AN ACT concerning public libraries; relating to withdrawal from a regional system of cooperating libraries; allowing such withdrawal upon certain conditions with no discretion regarding approval of such withdrawal by the state library board; amending K.S.A. 75-2549, 75-2550 and 75-2551 and repealing the existing sections.

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

Section 1. K.S.A. 75-2549 is hereby amended to read as follows: 75-2549. (a) Any one or more boards, may petition the state board for the establishment of a regional system of cooperating libraries comprised of territory—which that includes one or more counties, except any territory supporting a library—regularly that is subject to a tax levy of 25 mill or more shall be excluded from the proposed regional system upon request of the governing body of the district making such levy 0.25 or more mills that has been excluded pursuant to K.S.A. 75-2550, and amendments thereto.

- (b) Such petition shall be prepared in cooperation with the state librarian on forms provided by him or her the state librarian. Such petition may propose cooperative arrangements with institutions of higher learning. Such petition shall include, but shall not be limited to, the following information:
- (a)(1) A statement of purpose for *the* establishment of the proposed system and an outline of the proposed program of the system;
- $\frac{\text{(b)}(2)}{\text{(b)}}$  a list of the counties to be included in the proposed regional system of cooperating libraries and any exclusions therefrom.;
- (e)(3) a list of the participating libraries within the proposed regional system of cooperating libraries, together with the names and addresses of the members of the board of each such library.;
- (d)(4) letters or resolutions from each of the boards of participating libraries indicating the interest and attitude of such board toward *the* establishment of the regional system of cooperating libraries-;
- (e)(5) a list of the current budgets of each participating library showing items for library material and personnel for each such budget.;
- (f)(6) indication of local support appropriate to the operation of the proposed regional system of cooperating libraries-;
  - (g)(7) the number of persons to be served by the system, showing

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those presently within the taxing districts supporting one of the participating libraries, and those persons not within such a district-; and

 $\frac{h}{g}(8)$  such other information as may be requested by the state librarian.

Sec. 2. K.S.A. 75-2550 is hereby amended to read as follows: 75-2550. (a) The system board shall consist of one or more representatives selected by each of the boards participating in the regional system, and one or more representatives appointed by the board of county commissioners of each county that is a part of the regional system to represent territory not within the district of the participating library board but within the territory of the regional system of cooperating libraries. The petition provided for in K.S.A. 75-2549, and amendments thereto, may propose the number of representatives of each such board, but the determination thereof shall be made by the state board when approving such petition. The state board shall consider any petition presented to it submitted as provided in this act-and. If it approves such petition it the state board approves the petition, the state board shall adopt a resolution officially designating such particular regional system of cooperating libraries and describing the territory thereof-which. Such territory shall include one or more counties but shall exclude the territory of any taxing district-which regularly that levies a property tax of 0.25 or more mills-of tax for the support of a public library—upon the request of the governing body of the district making such levy. Any district so excluded may later petition to be added to and included in the regional system of cooperating libraries from which it was excluded and such petition shall be prepared and processed as other petitions provided for by this act that has been excluded pursuant to subsection (b). Additional counties may be added to the territory of any regional system of cooperating libraries upon petition by a library board located in such county-and such a. Any such petition shall be prepared and processed as is provided in this act for initial petitions; except that the prior written approval in writing of a such petition under this sentence shall be obtained by the petitioning board from the regional board and attached to the petition when submitted to the state board. Within two weeks after receiving notice of approval of a petition provided for under this act, the board of each participating library and the board of county commissioners of the county of residence of such appointee, shall select the number of representatives determined by the state board and shall certify the names and addresses of such representatives to the state librarian. The term of each such representative may be proposed in the petition provided under K.S.A. 75-2549, and amendments thereto, but shall not exceed four years, and. The final determination of duration of terms shall be made by the state board at the time of approval of the petition.

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(b) (1) Any taxing district—which regularly that levies a property tax of 0.25 mill or more of tax or more mills for the support of a public library. and which taxing district that has been included in a regional system, may petition to be excluded from-the such regional system. Such petition shall be made and presented to the state board. The state board shall consider any such petition, and if such taxing district meets the requirement for making such a petition-and if excluding such taxing district from theregional system will do no manifest harm thereto, the state board-may shall enter-its an order excluding and detaching such taxing district from the regional system and making such adjustment to the organization of such regional system as may be appropriate to continue the operation of the regional system without interruption. Such petition shall be submitted on or before May 1 in any year following the year in which the property tax levy was approved by the governing body of the taxing district. Upon exclusion from the regional system, any library supported by the excluded taxing district shall retain all property held by such library regardless of the source of revenue used to acquire such property.

- (2) Any taxing district excluded from a regional system may petition to be added to and included in such regional system of cooperating libraries. Such petition shall be prepared and processed as other petitions provided for by this act. If any taxing district excluded from a regional system stops levying the property tax required under paragraph (1) for a period of two consecutive years, the state board shall enter an order for the inclusion of such taxing district in the regional system from which it was excluded.
  - (c) The system board shall have the authority and power to:
- (1) Operate a system of library service to and for participating libraries;
- (2) the system board may purchase service from a participating library for the benefit of the regional system of cooperating libraries;
- (3) the system board may contribute to or receive contribution from any participating library, and may receive and utilize any gift of funds or property donated to the regional system of cooperating libraries;
- (4) the system board may contract with any one or more participating libraries, and the board of each participating library is hereby authorized to contract with the system board or with any one or more other boards, but any such contract shall provide that the same *such contract* shall not take effect until approved by the state librarian;
- (5) the system board may contract with any other system board or any board, but any such contract shall provide that the same such contract shall not take effect until approved by the state librarian; and
- (6) employ a system librarian and such other persons as the regional board may find convenient or necessary.

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Sec. 3. K.S.A. 75-2551 is hereby amended to read as follows: 75-2551. (a) Federal funds for public library service made available to the state—which that are administered by the state librarian or state board may be used in support of any one or more regional system of cooperating libraries within the provisions of such federal legislation. The use of funds of any regional system of cooperating libraries shall be established by the system board by contracts with boards of participating libraries, or otherwise

- (b) Participating boards shall have the power and are hereby authorized to pay for services purchased from the system board.
- (c) Any funds appropriated by the legislature and administered by the state librarian for the promotion of library services may be used to pay all or part of the expenses and equipment of any regional system of cooperating libraries.
- (d) The system board shall be subject to the cash basis and budget laws of the state. The budget of the system board shall be prepared, adopted and published as provided by law and hearing shall be held thereon in the first week of the month of August of each year. The tax levy made pursuant to the budget shall be based upon the certified preliminary abstract of property values submitted to the director of property valuation pursuant to K.S.A. 79-1604, and amendments thereto, and shall be certified to the county clerks of each county in the territory of the regional system of cooperating libraries.
- (e) Each system board is hereby authorized to levy a tax that is not in excess of <sup>3</sup>/<sub>4</sub> mill-of tax to be used for library purposes on all of the taxable property within the boundaries of the regional system of cooperating libraries—that is not except taxable property within a taxing district supporting a library with funds of the district when such taxing district has been excluded from the regional system pursuant to K.S.A. 75-2550, and amendments thereto.
- Sec. 4. K.S.A. 75-2549, 75-2550 and 75-2551 are hereby repealed.
- Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.