

HOUSE BILL No. 2624

AN ACT concerning libraries; relating to the Topeka and Shawnee county library district; amending K.S.A. 12-1260 and 12-1267 and repealing the existing sections.

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

Section 1. K.S.A. 12-1260 is hereby amended to read as follows: 12-1260. When used in this act and unless otherwise specifically provided therein:

- (a) "County" means Shawnee county;
- (b) "city" means the city of Topeka, Kansas;
- (c) "library district" means all territory located within Shawnee county except ~~that~~ (1) territory located within Rossville township and Silver Lake township and (2) territory detached from the district pursuant to section 3, and amendments thereto;
- (d) "board" means the library board of trustees appointed pursuant to the provisions of this act;
- (e) "library" means a library which serves the general public and is supported in whole or in part with tax money and shall be called the Topeka and Shawnee county public library;
- (f) "governing body" means the governing body of a city or the board of county commissioners of a county; and
- (g) "maintenance and support" means the general and usual cost and expense of operating a library.

Sec. 2. K.S.A. 12-1267 is hereby amended to read as follows: 12-1267. (a) The board shall prepare, publish and approve an annual budget for the maintenance and support of the library and may levy a tax not to exceed five mills on all taxable tangible property in the library district. At least 10 days prior to filing the adopted budget with the county clerk, the board shall submit the budget to the governing body of the city and county for review thereby.

(b) Whenever the board determines that the tax levy of five mills authorized by subsection (a) is insufficient to maintain and support the library, the board shall adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any one year up to a total amount which shall not exceed an amount equal to eight mills in any year.

(c) Any such resolution adopted under subsection (b) shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official county newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition, signed by at least 5% of the qualified electors of the library district, requesting an election upon the proposition to increase the tax levy in excess of the current tax levy is filed with the county election officer within 60 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 having been approved by a majority of the electors of the library district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law. Such taxes shall be levied and collected in like manner as other taxes, which levy the board shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the treasurer of such board.

(d) The levy authorized by this section shall not be deemed a levy of the city or county, and shall be in addition to all other levies authorized or limited by law.

(e) *Any territory detached pursuant to section 3, and amendments thereto, shall not be liable for any levy imposed pursuant to this section after the effective date of such detachment.*

New Sec. 3. (a) Upon presentation to the board of trustees of the library district of a resolution adopted by the governing body of the city of Auburn, Kansas, requesting that all territory located within the city of Auburn be detached from the library district, the board shall adopt a resolution detaching such territory from the library district. The detachment of such territory shall be effective on January 1 of the succeeding year. The library board shall declare the new boundaries of the library

district by resolution and shall certify a copy of such resolution to the county clerk.

(b) No resolution pursuant to subsection (a) shall take effect until such resolution has been:

- (1) Adopted by the governing body of the city of Auburn, Kansas;
- (2) filed with the county election officer of Shawnee County, Kansas, and;
- (3) submitted to and approved by a majority of the electors residing in the city of Auburn, Kansas, voting thereon.

Any resolution adopted as required by this subsection shall be published by the governing body of the city of Auburn, Kansas, and become effective 60 days after publication.

(c) Any property annexed by the city of Auburn, Kansas, subsequent to the presentation of a resolution requesting detachment pursuant to subsection (a), may be detached from the library district in the same manner and subject to the same conditions imposed pursuant to this section.

(d) The territory detached from the library district shall be liable for its proportionate share of all outstanding bonded indebtedness and any interest thereon of the library district on the date the resolution is passed by the library board detaching the territory.

New Sec. 4. K.S.A. 12-1260 through 12-1270 and sections 3 and 4, and amendments thereto, shall be known and may be cited as the Topeka and Shawnee library district act.

Sec. 5. K.S.A. 12-1260 and 12-1267 are hereby repealed.

Sec. 6. 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 passed 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.*

## **House Bill 2624: Auburn Library Bill**

Pursuant to Article 2, §14 of the Kansas Constitution, I veto HB 2624. HB 2624 amends current law to allow the city of Auburn in Shawnee County, Kansas to withdraw from the countywide property tax that funds the Topeka and Shawnee County library district. The voters of Shawnee County made the decision years ago to have a combined city-county library, and voted for a tax increase for that purpose. Auburn residents will still be able to use the services of the Topeka and Shawnee County Library, but if they vote to separate themselves from the district library, they will no longer be providing any financial support. Enactment of this bill would set a precedent and could result in other local units of government opting out of already established library districts across the state. This would weaken the impact Kansas' library system which has been in place and served the people of Kansas well since

Dated May 20, 2004.

KATHLEEN SEBELIUS  
*Governor*