

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:35 ~~AM~~/p.m. on MARCH 2, 1992 in room 521-S of the Capitol.

All members were present except:

Representative Carl Holmes, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Chair called for discussion and possible final action on the following bills:

HB 2909 - Townships; acquisition of cemetery association property.

Staff gave a brief summary of HB 2909.

The Chair said it is a localized bill and it is noncontroversial in nature and could be placed on the consent calendar.

Representative Lahti moved to place HB 2909 on the consent calendar. The motion was seconded by Representative Mollenkamp. The motion carried.

HB 2861 - Raises fines for illegal Statehouse parking.

The Chair said after the last meeting an informal discussion was held and it was the consensus of the group that the following amendment would be offered: 1st offense issue a warning ticket; second offense a \$15.00 fine; and the 3rd offense up to a \$30.00 fine.

Representative Brown moved to amend HB 2861 as suggested by the group. It was seconded by Vice-Chair Gomez and the motion carried.

Representative Gwen Welshimer moved to pass HB 2861 favorably as amended; seconded by Representative Harder. The motion carried.

HB 2851 - Cities; notice procedure prior to mowing weeds.

Staff gave a review of HB 2851.

The Chair said HB 2851 was a request from the city of Kansas City, Kansas.

Representative Brown expressed concern that the bill didn't give as much public notification as current law.

Representative Harder moved to pass HB 2851 favorably; seconded by Representative Watson. The motion carried.

HB 2833 - Fire districts; powers of governing body.

The Chair said Representative Holmes had a few amendments, but he was out of town and staff would present them.

Staff said there was a clean-up amendment and there is a limitation in another statute that limits how money is spent. The second amendment would strike "legal expenses of" and insert "expenses legally incurred by" on page 1, in line 31. The third amendment was by Representative Brown to take care of township fire districts to provide them the same

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S Statehouse, at 1:35 XX a.m./p.m. on MARCH 2, 1992

authority as county fire districts.

Representative Brown moved to amend HB 2833 with the three amendments and pass it out favorably as amended. It was seconded by Vice-Chair Gomez and the motion carried.

SB 499 - County law libraries

The Chair said SB 499 does the same thing as Representative Sprague's bill, which allows the library to raise their mill levies. She said another request was made and the Senate Bill opens it for all counties. The Chair suggested the committee amend HB 2805 and HB 2742 into SB 499. Chair asked staff to explain the bill and they distributed a balloon of a proposed amendment to SB 499. (Attachment 1)

Representative Macy moved to amend SB 499 as the Chair suggested and to pass SB 499 favorably as amended. The motion was seconded by Representative Sluiter. The motion carried.

HB 2849 - Topeka/Shawnee County Library established

Staff distributed copies of a proposed balloon amendment to HB 2849 and summarized it. (Attachment 2) Staff said it was mostly a clean-up amendment.

The Chair called the committee's attention to two letters received in opposition to HB 2849 after the February 12 hearing. They were from Wayne Probasco and Gerald H. Reser from Rossville. (Attachment 3)

Representative Brown expressed concern as to why the language on page 2, lines 34-36 were stricken. Mr. Engel said it was stricken because right now they have to have the approval of the city council and the city commission before a purchased lease or sale of real estate by the library. He said there was fear that if we had to get approval from both bodies, and one approved and the other one didn't we would be in between a cross fire between two governmental agencies. It would be easier in the long run not to have the approval of both bodies. He said it would require the vote of the library board of trustees. The way it is set up now they wouldn't have to have the approval of either elected bodies. Representative Brown said she had no problem with the amendment but expressed her concerns by saying this is a local bill and she respects that. She said the committee will continue to pass local bills but they have a way of becoming another county and another county and pretty soon they are statewide bills. It is a good idea to look at anything that comes before us with the idea that it will eventually become a statewide law. Her concern was with a lot of bodies, when you have appointed people and they are not an elected official and a taxing authority and they have no relationship with the other taxing authority and pretty soon you have tax payers who are not sure who to yell at when their taxes go so high.

Representative Brown made a conceptual motion that they have to have a budget review by the governing body, not a single body, but by both bodies. It was seconded by Representative Benlon. The motion carried.

Representative Cornfield said this bill has to go to the people to enlarge the district and then only on protest for the increment mill levy. She said this should carry in the county as well as in the city because the city is going to support it and she doesn't think they should be able to tax the county for something they aren't using especially when you are talking about big mills.

Representative Cornfield moved to amend HB 2849 by giving the people in the county as well as in the city the opportunity to vote. Representative Wempe seconded it for discussion.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:35 a.m./p.m. on MARCH 2, 1992.

There was a committee discussion about letting the county vote and the increased mill levy.

Vice-Chair Gomez said he had discussed this bill with Representative Wagon and she wouldn't be in favor of this particular amendment. He said you can tell by some of the comments from the Topeka Public Library that are here that it makes it more difficult and they are a little hesitant about that.

Representative Brown said it would be very difficult not to support the amendment as her constituents often say how can the county or the city always make the decisions for us concerning taxes.

There was a discussion about the Topeka Library being in the Northeast Kansas Library System (NEKL) and the Shawnee Countians who reside outside the city limits of Topeka are assessed .61 mills of their property to fund the NEKL System. Committee discussed the grants that libraries receive when they are a member of the NEKL. Topeka Public Library receives \$65,000 and Rossville and Silverlake Township Libraries receive grants of approximately \$10,000 total. As long as the Topeka Public Library is a part of the NEKL System they are obligated to serve those residents in the rural area but they could opt out of the system and pay a user fee.

The Chair called for a vote on the motion. The motion carried.

Staff suggested a technical amendment to HB 2849 was needed relating to the tax lid.

Vice-Chair Gomez moved to give the authority to staff to make a technical amendment relating to the tax lid. The motion was seconded by Representative Brown. The motion carried.

Vice-Chair Gomez moved to pass HB 2849 favorably as amended. It was seconded by Representative Thompson. The motion carried.

HB 3018 - Creates a reserve fund.

Chair asked if there was an amendment to HB 3018.

Staff said the amendment was that a township fire district in Shawnee Co. would like the same authority as the type fire district created under 80-1540.

Representative Brown moved to pass the amendment. The motion was seconded by Representative Benlon. The motion carried.

Representative Brown moved to pass HB 3018 favorably as amended. It was seconded by Representative Cornfield. The motion carried.

HB 3049 - Smoke Detector Act.

Staff explained the proposed amendment offered by Vice-Chair Gomez to HB 3049.

Representative Brown said she had no problems with Vice-Chair Gomez's amendment except in section (g) it talks about fire marshal and she thinks they should have battery-operated smoke detectors. She does oppose if they are wired that not all have to go off. She opposes it for safety reasons. Representative Brown asked if he would be willing to divide the amendments and Vice-Chair Gomez said he would.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:35 ~~a.m.~~^{XX}p.m. on MARCH 2, 1992

A committee discussion was held on the renovation amount to equal 25% of the replacement value of a dwelling unit. A member suggested specifying interior.

Representative Brown said she would like to get the bill passed for two reasons. 1) People who fight fires stressed that smoke detectors do save lives; and 2) We are one of nine states in the nation who do not have smoke detector legislation on the books. She said cities and counties can opt out and feels strongly that we should pass some legislation this year.

Vice-Chair Gomez moved to amend HB 3049 by striking any renovations or remodeling altogether, new homes are wired and on older homes require battery-operated smoke detectors. The motion was seconded by Representative Welshimer. The motion carried.

Vice-Chair Gomez offered a second amendment that would require all battery-operated smoke detectors in existing homes, wired in new construction, changing the penalty to eliminate provisions relating to continuing violations up to \$500, and eliminating the criminal penalty. It was seconded by Representative Brown.

Discussion was held by committee on having an education fund with the fine.

Vice-Chair Gomez called for the question on his motion. The motion carried.

Discussion was held on the responsibility of the tenant and the landlord. Representative Stephens said she would feel more comfortable if it was for new construction and a \$500 fine is too high.

Representative Stephens moved to reduce the fine to \$100. It was seconded by Representative Watson. Discussion followed on the fine. The motion carried.

Representative Brown moved to pass HB 3049 favorably as amended. It was seconded by Representative Thompson. The motion carried.

Representative Sluiter moved to approve the minutes of February 27, 1992. It was seconded by Representative Watson. The motion carried.

The meeting was adjourned at 3:00 p.m.

SENATE BILL No. 499

By Senator Moran

1-16

These amendments would incorporate
the provisions of HB 2742 and
HB 2805

BY
3-2-92
Attach - 1

9 AN ACT concerning county law libraries; amending K.S.A. 1991
10 Supp. 20-3129 and repealing the existing section.

K.S.A. 20-3127 and

11

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

13 Section 1. K.S.A. 1991 Supp. 20-3129 is hereby amended to read
14 as follows: 20-3129. (a) Except as provided in subsection (b), the
15 clerk of the district court shall tax in all cases commenced
16 pursuant to chapter 60 of the Kansas Statutes Annotated and
17 in all felony criminal cases a library fee of not less than \$2
18 nor more than \$5 and shall tax in all other cases a library fee
19 of not less than \$.50 nor more than \$4, for the benefit and
20 account of the law library in the county.

21 (b) The clerks of the district courts in Sedgwick, Wyandotte,
22 Linn, Riley, Saline, Seward and, Stafford, *Edwards, Hodgeman,*
23 *Lane, Ness, Pawnee and Rush* counties shall tax in all cases
24 commenced pursuant to chapter 60 of the Kansas Statutes An-
25 notated and in all felony criminal cases a library fee of not less
26 than \$2 nor more than \$10 and shall tax in all other cases a
27 library fee of not less than \$.50 nor more than \$7 for the benefit
28 and account of the law library in the county.

29 (a) *Subject to the limitations contained in this section, the clerks*
30 *of the district courts shall tax a library fee in an amount determined*
31 *by the trustees of the law library in each county for the benefit and*
32 *account of the law library in each county. Such library fee shall be*
33 *not less than \$2 nor more than \$10 in all cases commenced pursuant*
34 *to chapter 60 of the Kansas Statutes Annotated and in all felony*
35 *criminal cases and shall be not less than \$.50 nor more than \$7 in*
36 *all other cases. The trustees of the law library in each county shall*
37 *file with the respective clerks the fees to be charged in that court.*

38 (c) (b) The fees provided for by subsection (a) shall be deducted
39 from the docket fee, *except that any library fee charged pursuant*
40 *to this section which exceeds \$5 in all cases commenced pursuant to*
41 *chapter 60 of the Kansas Statutes Annotated and in all felony crim-*
42 *inal cases and \$4 in all other cases shall be added to the docket fee*
43 *otherwise provided by law.*

1-2

1 (d) The fees provided for by subsection (b) shall be de-
2 ducted from the docket fees only to the extent provided in
3 subsection (a) and any excess fees shall be added to the docket
4 fee otherwise provided by statute.

5 (e) The trustees of each law library shall determine the fees
6 to be charged within the limits above and shall file with the
7 respective clerks the fees to be charged in that court.

8 (f) In all civil cases where the plaintiff settles with the
9 defendant and as part of settlement the case is dismissed at
10 the cost of the plaintiff or judgment is rendered against the
11 plaintiff for costs but is not paid within 90 days after the entry
12 of the judgment, the defendant shall be liable for the library
13 fee. On motion in such case judgment may be rendered against
14 the defendant for the library fee, and execution may issue on
15 such judgment.

16 (g) (c) In criminal cases where the case is dismissed by the state,
17 the county shall be liable for the library fee. Where appeals from
18 conviction in the municipal court are dismissed for want of prose-
19 cution, or by the defendant, the state or city shall collect the library
20 fee. Upon failure of the state or city to do so within 90 days after
21 the dismissal, the county from which the appeal is taken shall be
22 liable therefor.

23 ~~Sec. 2. K.S.A. 1001 Supp. 20-3120 is hereby repealed.~~

24 ~~Sec. 3. This act shall take effect and be in force from and after~~
25 its publication in the statute book.

Insert attached.

4

Sec. 2. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) All fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees consisting of the district judge or district judges of the district court and not less than two (2) attorneys who shall be elected for two (2) year terms by a majority of the attorneys residing in the county, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county. The district judge or district judges of the district court, members of the bar who reside in said county and who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and the county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees.

(b) The board of trustees of the law library established under this act or pursuant to K.S.A. 20-3113, and amendments thereto, in Johnson county shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in Johnson county, and three of which shall be members of the Johnson county bar association, appointed by selection of the Johnson county bar association pursuant to the association's bylaws for two-year terms. The board of trustees of the law library in all other counties, except as provided in K.S.A. 20-3113, and amendments thereto, shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees, or a majority thereof, shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The clerk of the district court board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a deputy librarian, who shall act as custodian and librarian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of such deputy administering the law library. Such deputy and assistants also shall perform services with respect to legal aid referral assistance programs in such county and such other duties as may be assigned by the clerk of the district court, with the approval of the board of trustees of the law library of the county. Such deputy and assistants shall receive as compensation for their services such annual salaries, payable from the general fund of such county in equal monthly installments, as are prescribed by the district judges of the district court of the county, with the approval of the board of county commissioners of the county. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

Sec. 3. K.S.A. 20-3127 and K.S.A. 1991 Supp. 20-3129 are hereby repealed.

HOUSE BILL No. 2849

By Representatives Wagon and Sebelius

2-4

LY
3-2-92
Attach 2

8 AN ACT concerning ~~certain counties~~; authorizing the creation of Shawnee county
9 ~~library districts~~. a library district

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

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

14 (a) "County" means Shawnee county;

15 (b) "city" means the city of Topeka, Kansas;

16 (c) "library district" means all territory located within Shawnee
17 county except that territory located within Rossville township ~~or~~ and
18 Silver Lake township;

19 (d) "board" means the library board of trustees appointed pur-
20 suant to the provisions of this act;

21 (e) "library" means a library which serves the general public and
22 is supported in whole or in part with tax money and shall be called
23 the ~~Topeka/Shawnee county~~ library; Topeka and Shawnee county public

24 (f) "governing body" means the governing body of a city or the
25 board of county commissioners of a county;

26 (g) "maintenance and support" means the general and usual cost
27 and expense of operating a library;

28 Sec. 2. (a) ~~The proposition to establish a library district may be~~
29 ~~submitted to the electors of the county by resolution of the governing~~
30 ~~body, and shall be submitted upon presentation of a petition signed~~
31 ~~by 10% of the qualified electors of the county. Such proposition~~
32 ~~shall be submitted at the next primary or general election of the~~
33 ~~city or county following adoption of the resolution or presentation~~
34 ~~of the petition.~~ The board of trustees of the Topeka public library may adopt a
resolution proposing to create a library district. A copy of
such resolution 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.

35 (b) If a majority of the qualified electors of the ~~county~~ voting on
36 the proposition vote in favor thereof: proposed library district

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

39 (2) all contracts entered into by the board of directors of the
40 Topeka public library shall be binding on the library board appointed
41 pursuant to this act;

42 (3) all outstanding bonds, debts and other obligations of the To-
43 peka public library shall become an obligation of the ~~Topeka/Shawnee~~

2-2

1 ~~county~~ library; and

2 (4) all rights, property and other assets of the Topeka public
3 library shall be transferred to the ~~Topeka/Shawnee county~~ library.

Topeka and Shawnee county public

4 Sec. 3. (a) Any library district created pursuant to the provisions
5 of section 2 shall be governed by a board of trustees. Such board
6 shall consist of 10 members. Seven members shall be appointed by
7 the governing body of the city and shall be residents of the city.
8 Three members shall be appointed by the board of county commis-
9 sioners. Members appointed by the board of county commis-
10 sioners shall be residents ~~of the unincorporated area of the county~~
11 and each shall reside in a different commissioner district.

Of the library district, who reside outside the corporate
limits of the city

12 (b) Members of the board of directors of the Topeka public library
13 serving prior to the election creating the library district shall continue
14 on the board until the expiration of the term for which originally
15 appointed. Such members shall be eligible for reappointment. The
16 board of county commissioners shall appoint three members to the
17 library board within 60 days following the election approving the
18 creation of the district. Such members shall serve for terms expiring
19 the second April 30 following the date of appointment. Upon ex-
20 piration of the terms of such members, succeeding members shall
21 be appointed for terms of four years.

22 (c) Except as provided by this section, members of the board
23 shall be appointed for terms of four years and until their successors
24 are appointed and qualified. Vacancies on the board shall be filled
25 by appointment for the unexpired term.

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

29 Sec. 4. The board shall constitute a body corporate and politic,
30 possessing the usual powers of a corporation for public purposes,
31 under the name and style of "the board of trustees of the ~~Topeka/
32 Shawnee county~~ library" and under such name may contract, sue
33 and be sued and acquire, hold and convey real and personal property
34 in accordance with law. ~~The acquisition or disposition of real property
35 shall be subject to the approval of the governing bodies of the city
36 and county.~~ ✓

Topeka and Shawnee county public

37 Sec. 5. (a) Each year the members of a library board shall meet
38 and organize by the election of a chairperson, a secretary and a
39 treasurer and such other officers as they may deem necessary. The
40 board shall fix the date and place of its regular meetings and special
41 meetings may be called by the chairperson or upon written request
42 of a majority of the members. Written notice, stating the time and
43 place of any special meeting and the purpose for which called, unless

1 waived, shall be given to each member of the board at least two
 2 days in advance of such meeting, and no business other than that
 3 stated in the notice shall be transacted at such meeting.

4 (b) The treasurer of the library board shall give bond, in an
 5 amount fixed by the board and approved by the governing body of
 6 the city and county, for the safekeeping and due disbursement of
 7 all funds that may come into the treasurer's hands. The bond shall
 8 be filed with the clerk of the county. Except where otherwise pro-
 9 vided by law, the county treasurer shall pay over to the treasurer
 10 of the library board all funds collected for the maintenance of the
 11 library, and the treasurer of the library board shall pay out the funds
 12 on orders of the board signed by the secretary and chairperson
 13 thereof. Such treasurer shall keep an accurate record of all moneys
 14 received and disbursed thereby and make a report thereof to the
 15 library board monthly, or as often as the board requires.

16 Sec. 6. The library shall be free to the use of the residents of
 17 the library district, subject always to such reasonable rules and reg-
 18 ulations as the library board may adopt. The board may exclude
 19 from the use of the library any and all persons who shall willfully
 20 violate such rules. The library board may extend the use and priv-
 21 ilege of such library to nonresidents of the district and may make
 22 exchanges of books with any other library upon such terms and
 23 conditions as the board may from time to time by its regulations
 24 prescribe.

25 Sec. 7. The board shall have the power:

26 (a) To make and adopt rules and regulations for the administration
 27 of the library;

28 (b) ~~with the approval of the governing body of the city and~~ ✓
 29 ~~county,~~ to purchase or lease a site or sites and to lease or erect a
 30 building or buildings for the use of the library;

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

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

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

41 (f) to contract with other libraries or with the governing body of
 42 a municipality ~~not maintaining a public library,~~ ✓
 43 library service to the inhabitants of such municipality to the extent

2-3

2-4

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

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

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

14 (i) to make annual reports to the state librarian and the governing
15 body of the city and county on or before January 31 of each year
16 for the preceding calendar year, showing receipts and disbursements
17 from all funds under its control, and showing such statistical infor-
18 mation relating to library materials acquired and on hand, number
19 of library users, library services available, and other information of
20 general interest as the governing body requires; and

21 (j) ~~to~~ money received from sources other than a tax levy for
22 library purposes, ~~in its discretion, to place such money in a separate~~
23 ~~fund or funds, or to place the money~~ in the fund to which the tax
24 levy money is credited unless the grantor or donor directs how and
25 for what purpose the money shall be handled and spent.

place

or

26 Sec. 8. (a) The board shall prepare, publish and approve an an-
27 nual budget for the maintenance and support of the library and may
28 levy a tax not to exceed ~~four~~ mills on all taxable tangible property
29 in the library district.

five

30 (b) Whenever the board determines that the tax levy of ~~four~~ mills
31 authorized by subsection (a) is insufficient to maintain and support
32 the library, the board shall adopt a resolution declaring it necessary
33 to increase the annual levy by an additional amount not to exceed
34 1/4 mill in any one year up to a total amount which shall not exceed
35 an amount equal to ~~six~~ mills in any year.

eight

36 (c) Any such resolution adopted under subsection (b) shall state
37 the total amount of the tax to be levied for library purposes and
38 shall be published once each week for two consecutive weeks in the
39 official county newspaper. Whereupon such annual levy in an amount
40 not to exceed the amount stated in the resolution may be made for
41 the ensuing budget year and each successive budget year unless a
42 petition, signed by at least 5% of the qualified electors of the library
43 district, requesting an election upon the proposition to increase the

2-5

1 tax levy in excess of the current tax levy is filed with the county
 2 election officer within 60 days following the date of the last publi-
 3 cation of the resolution. In the event a valid petition is filed, no
 4 such increased levy shall be made without such proposition having
 5 been submitted to and having been approved by a majority of the
 6 electors of the district voting at an election called and held thereon.
 7 All such elections shall be called and held in the manner provided
 8 by the general bond law. Such taxes shall be levied and collected
 9 in like manner as other taxes, which levy the board shall certify, on
 10 or before August 25 of each year, to the county clerk who is hereby
 11 authorized and required to place the same on the tax roll of the
 12 county to be collected by the county treasurer and paid over by the
 13 county treasurer to the treasurer of such board.

library

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

17 Sec. 9. If the library occupies a public building upon a site
 18 acquired therefor and the building and site are free from any bonded
 19 indebtedness, then an amount not to exceed 20% of any annual
 20 budget prepared, published and approved by the board may be
 21 allocated to a special accruing fund for the cost of erecting and
 22 equipping any addition to, or branch of, such library and for the
 23 acquisition of any additional site required for the erection of any
 24 such addition, branch or parking facility for use by the patrons of
 25 such library. Expenses for major capital improvements or major
 26 equipment purchases to cover such matters as, but not limited to,
 27 major roof repair, new computerized circulation or security systems
 28 and bookmobile replacement also may be paid with funds from the
 29 special accruing fund.

30 ~~Sec. 10. The board may authorize any circulating library, reading
 31 matter or work of art belonging to any private person, association
 32 or corporation, or loaned by any library or public institution, to be
 33 deposited in the library, and to be drawn or used outside the library
 34 building only on payment of such fee or membership as the owner
 35 may require. Deposits of such material may be removed by the
 36 owner thereof at pleasure, and such material when deposited in the
 37 library shall be separately and distinctly marked and kept apart from
 38 similar material owned by the library, but all such material while
 39 so deposited or remaining in the library shall be subject to use
 40 without charge within the library by any person who is entitled to
 41 the use of such library.~~

10

42 Sec. 11. The governing body of any municipality not maintaining
 43 a library may contract with the board for the furnishing of library

1 service to such municipality, and to pay the costs of such library
 2 service the municipality is hereby authorized to levy a tax in the
 3 amount authorized to be levied by such municipality for the estab-
 4 lishment and maintenance of a library and, in the case of cities and
 5 counties, to pay a portion of the principal and interest on bonds
 6 issued under the authority of K.S.A. 12-1774, and amendments
 7 thereto, by cities located in the county.

8 ~~Sec. 12. (a) The board is hereby authorized to submit the ques-~~
 9 ~~tion of making an annual tax levy of not to exceed one mill for a~~
 10 ~~period not to exceed five years upon the taxable tangible property~~
 11 ~~within the library district for the purpose of creating a building fund~~
 12 ~~to be used for the construction, reconstruction, additions to, fur-~~
 13 ~~nishing and equipping of the building housing the library and of a~~
 14 ~~building to house motor vehicles of the library and the architectural~~
 15 ~~expense incidental thereto, to the electors of such city at an election~~
 16 ~~called and held in the manner provided for the calling and holding~~
 17 ~~of elections under the provisions of the general bond law, at the~~
 18 ~~time fixed for the holding of the primary election in August. The~~
 19 ~~amount of such levy and the period for which it will be made shall~~
 20 ~~be stated in the notice and upon the ballot of such election. No tax~~
 21 ~~levy shall be made under the provisions of this act without the~~
 22 ~~question of the making of such levy having been submitted to and~~
 23 ~~having received the approval of a majority of the electors of the~~
 24 ~~district voting thereon at an election called and held for such pur-~~
 25 ~~pose. All moneys derived from the tax levy shall be placed in a~~
 26 ~~building fund to be used only for the purposes for which the tax~~
 27 ~~levy was made. Any such levy shall be in addition to all other tax~~
 28 ~~levies authorized by law and shall not be subject to any of the~~
 29 ~~limitations prescribed by law, including sections 5 and 6.~~

30 (b) The board may invest any portion of the building fund which
 31 is not currently needed in investments authorized by K.S.A. 12-
 32 1675, and amendments thereto, in the manner prescribed therein
 33 or in direct short-term obligations of the United States government,
 34 the principal and interest whereof is guaranteed by the government
 35 of the United States. All interest received thereon on any such
 36 investment, shall upon receipt thereof be credited to the building
 37 fund.

38 Sec. 13. The board may issue general obligation bonds of the
 39 library district for the purpose of constructing, reconstructing, re-
 40 pairing, remodeling, furnishing and equipping any buildings or ad-
 41 ditions thereto, together with sites therefor, for library purposes. No
 42 bonds shall be issued until the question of their issuance and the
 43 amount of such issuance has been submitted to a vote of the qualified

1 electors of the library district at any special, general or primary
2 election, and a majority of the qualified electors voting thereon votes
3 in favor thereof. The election shall be called and held and the bonds
4 shall be issued, sold, delivered, registered and retired in the manner
5 provided by the general bond law. Bonds issued pursuant to this
6 section shall not be subject to or within any bonded debt limit of
7 the city or county. The board shall have the power to levy a tax
8 against all taxable tangible property in the library district for the
9 purpose of paying the principal of, redemption premium, if any, and
10 interest on any bonds issued pursuant to this section.

[12]

11 Sec. 14. This act shall take effect and be in force from and after
12 its publication in the statute book.

2-7

WAYNE PROBASCO

615 SOUTH TOPEKA AVENUE
TOPEKA, KANSAS 66603-3286

LAWYER

TELEPHONE (913) 354-7611

February 13, 1992

TO: Before the House Local Government Committee

SUBJECT: House Bill No. 2849

AN ACT authorizing the residents of Topeka and the residents of Shawnee County to together vote on the library district tax that will reduce the tax on the city residents and increase the tax on the county residents.

Chairperson Johnson and Members of the Local Government Committee:

My name is Wayne Probasco. I represent Soldier Township, which is located adjacent to the City of Topeka and northward to the Jackson County line.

The Township board is highly opposed to this bill. What this bill does is to give the residents of the City of Topeka the opportunity to vote to increase the tax on the residents of Shawnee County while at the same time reducing their tax; roughly speaking, there are approximately 125,00 persons residing inside the city and maybe 30,000 residing in Shawnee County outside of Topeka.

It is my understanding that the City of Topeka established a library district and established the library solely inside the City of Topeka and thereafter made their rules and regulations governing that district, which I assume is the City of Topeka boundaries.

Now, the library district is asking that the district be expanded to include all of Shawnee County, which is perfectly acceptable, providing that the people in Shawnee County outside the City of Topeka vote on this proposition.

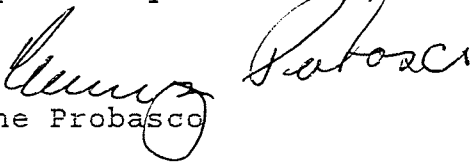
It appears that this proposition, in asking that the persons of the City of Topeka which outnumber the residents of the County outside the city, approximately 4 to 1, would vote to reduce their taxes. It would seem that this method of allowing people to vote to reduce their taxes and place their taxes on someone else must be illegal, unlawful, and unconstitutional. If this can possibly be allowed, we could then proceed to take each small surrounding county to Shawnee County, have a vote so that we would next have the voters of Shawnee County and Wabaunsee County to have an election to determine as to whether that district

14
3-2-92
Attach. 3

would then include Topeka, Shawnee County and Wabaunsee County. I feel confident that the people of Shawnee County would be agreeable to reduce their taxes and to increase the taxes of Wabaunsee County, and we could then have an election with Jefferson County until the library district had taken in all of the counties which would reduce their taxes.

This is an amazing scheme.

Respectfully submitted,


Wayne Probasco

Gerald H. Reser

~~XXXXXXXXXXXX~~
BOX 273

ROSSVILLE, KANSAS 66533

PH. 913-584-6449

26 February, 1992

Rep. Johnson,
Chm. Local Govt. Committee,
Room 426 S
Statehouse,
Topeka, KS 66612

Dear Rep. Johnson,

It was with some dismay when I recently read in the Capital-Journal about the legislation pertaining to a proposed Shawnee County Library. I have for years been associated with the Rossville Community Library and also with the Northeast Kansas Library System (NEKL). I am cognizant of many of the problems in administering library services. Financing is a never-ending problem for all libraries.

Kansas has many library laws, legal opinions and decisions which in my opinion is a mish-mash of law that the Legislature should address and clean up, however until that happens we must live with what is on the books. The proposed HB 2849 is good for the City of Topeka but bad for the remainder of Shawnee County. It seems to me that the proposition is politically wrong at this time when the public is so concerned with high property taxes, the school tax situation, vehicle taxes and numerous other political hot potatoes. As you probably know when it becomes necessary to cut spending the usual sentiment is, "cut the damn library."

I have been associated as a layman interested in improved library service for the last 25 years. I served on the NEKL Executive Board for 8 years and have served several 4 year terms on the Rossville Community Library Board of Trustees. I am familiar with many of the problems of operating a public library. At the present time the Topeka Public Library is funded primarily by a tax on the property owners within the City of Topeka. They also receive a sizable grant from NEKL and a grant of State Aid. These funds are supposed to pay for the services rendered to citizens outside the City of Topeka. I suspect that their main complaint has to do with the affluent suburbs outside the city limits. I would suggest that they annex those areas instead of trying to rope all the rural areas into a County Library.

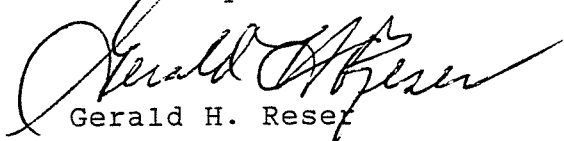
If the Topeka Public Library Board is able to push HB 2849 into law as proposed there would be many changes done to many people. Some would be good and some would be bad. On the plus side: The Topeka Library would receive a large amount of additional funds. The property owners of Topeka would have a lowered mill levy. On the minus side: The proposed county library would take on additional responsibilities, more employees would be required, the library board would be increased and Topeka would have

diminished control, the Shawnee County Commission would have ultimate control, and probably branch libraries would have to be built. They would lose the NEKL support and grants. I think it is an ill conceived solution to a problem.

Also in the process harm would be done to the two township libraries outside of the City of Topeka. If Shawnee County was withdrawn from the NEKL System then The Rossville Community Library and the Silver Lake Township Library would also lose their NEKL affiliation. The loss of the NEKL grants would be a serious blow to these small libraries. I understand that there was a proposal for the county library to continue these grants but I am very suspicious of that proposal. I can visualize that sometime in the future when a money crunch occurred, someone would ask, "Why do we give those two small libraries money?" and that would be the end of the grants. The small libraries would be left "Orphans."

I would hope that the Legislature will take a long, hard look at this proposed HB 2849 as it has many flaws. I feel it will hurt more people than it benefits. Also I deplore the sneaky, secret manner in which it was handled by the Topeka Public Library Board of Trustees. If it had not been reported in the Capital-Journal very few in Shawnee County would have known anything was being proposed.

Sincerely,



Gerald H. Reser

cc: Rep. Joan Hamilton
Rep. Gomez
Rep. Marvin Smith
Sen. Marge Petty