

Approved March 24, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Senator Audrey Langworthy at
Chairperson

9:06 a.m./p~~xx~~ on Wednesday, March 18, 1992 in room 531-N of the Capitol.

All members were present except: Senator Gaines

Committee staff present: Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative Research
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee:

Proponents

Chuck Engel, Chairman, Topeka Public Library Board
Duane Johnson, State Librarian
Glen Plaistad, Director, Northeast Kansas Library System

Opponents

Representative Stevi Stephens
Earleta Morey, Tonganoxie Library Board member
Representative Joan Hamilton

Testimony from Harry "Butch" Felker, Mayor of Topeka was passed to the committee. (Attachment 1)

Chuck Engel, Chairman, Topeka Public Library Board appeared as the first proponent. He read from a prepared statement. (Attachment 2) He explained the inequitable funding problem of the Topeka Public Library with Topeka residents paying 5.7 mills and property owners outside a library district are assessed .61 mills annually for library services. Silver Lake and Rossville would be excluded since they each have township libraries and monies would be paid to them annually in lieu of what they get from NEKLS. An amendment should be made to the bill to make this payment.

Senator Steineger asked about the Shawnee County Commissioners, and Mr. Engel responded the Commissioners have not taken a stand on this bill. He also asked if the library has the authority to restrict the use of the library and Mr. Engel said they did.

Senator Webb asked about separate mill levies for Silver Lake and Rossville. Mr. Engel said they would have separate library boards, and also receive NEKLS grants. The Topeka Library does reciprocate with Silver Lake and Rossville. Senator Webb also asked about branch libraries and Mr. Engel said they have discussed building 3 branches but do not know at this time if they will or where they would be located.

Senator Frahm asked why the requested amendment was not made in the House and Mr. Engel said they only found out the need for the amendment after it had passed the House. Senator Frahm also asked if he knew that a study is being done of the library system and would these concerns be addressed through the study. Mr. Engel said he thought this problem was unique to the library system.

Senator Petty reiterated that the 5 mill levy is strictly for use only for operating costs and will not be used for expansion. Mr. Engel also answered a question concerning the majority vote in both the city and the county; it must pass by a majority in both the city and county. This bill creates a new Board of Trustees.

Senator Steineger asked if bookmobiles serve outside the city and Mr. Engel said currently they do not.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

room 531-N Statehouse, at 9:06 a.m./~~p.m.~~ on Wednesday, March 18, 1992

Senator Daniels asked about the 1985 survey which Mr. Engel had referred to in his prepared statement. Jim Marvin, Topeka Librarian, stated they did not contact only cardholders but the names were taken from the census roll.

Duane Johnson, State Librarian, spoke in support of the bill. **(Attachment 3)** He stated four important objectives with the bill: 1 - to eliminate the serious library service funding inequity; 2 - strengthen the funding of Topeka, Rossville and Silver Lake library districts; 3 - use the direct participation of county residents in the decision and 4 - enable the Topeka library to continue in the Northeast Kansas Library system. He said this bill is following along the lines of the library study which is currently being done.

Senator Frahm asked if each individual library system came to him with a proposal, would he be a proponent for each one. He stated he would have to evaluate them on a separate basis. He said he thought this would be a model for other systems.

Glen Plaistad, Director, Northeast Kansas Library System, stated the past 5 to 10 years, it has been apparent there is a disparity in equity of funding and it is growing wider. 50% of the funds are now used for libraries to serve the public. He said he had been urging a larger taxing basis to improve the library service. He stated he endorses this bill as it stands. He reminded the committee that there are two counties listed in this bill.

Representative Stevi Stephens appeared as an opponent to the **HB 2849**. **(Attachment 4)** She said when this bill came before the House Local Government committee it was exclusive to Topeka and Shawnee County. The bill was amended in the House committee to separate the urban and rural votes and require it pass by a majority vote. When the bill was debated on the floor, Representative Graeber introduced an amendment to include Leavenworth County. She objected to the fact that Tonganoxie, Bashor and Lindwood city libraries would be excluded from voting against this proposal. She also objected to ten members of the Board being from the city and only 3 from the county, when in Leavenworth county the population in the county is larger than the city of Leavenworth. She urged the committee to report this bill adversely.

Earleta Morey, Tonganoxie Library Board member, passed out a statement **(Attachment 5)** with a number of questions they would like answered before **HB 2849** is passed. She said she thought the bill was all right for Topeka but she wanted to know about funding for the other libraries in Leavenworth county if Leavenworth county was included. She requested this proposal be rewritten to include reimbursement for lost funds so the bill would be more equitable for all parties.

Representative Clyde Graeber stood in the audience and stated Leavenworth county has always intended to reimburse those libraries.

Representative Joan Hamilton appeared as an opponent to the bill. **(Attachment 6)** She said the Shawnee County delegation was not told about the bill by the Topeka Public Library and she felt the taxes on the rural county constituents would be too heavy. She said she had received more calls on this bill than any other bill because of the tax impact. She requested it be put in for an interim study and also wait until the library study has been completed. She said they want to support the library but they do not want it on the tax bills right now.

The meeting adjourned at 10:05 a.m.



CITY OF TOPEKA

Harry "Butch" Felker, Mayor
215 E. 7th Street Room 352
Topeka, Kansas 66603
Phone 913-295-3895
Fax Number 913-295-3850

March 17, 1992

Sen. Audrey Langworthy and Members
of the Senate Local Government Committee

Re: House Bill 2849

Dear Senators,

The Topeka City Council and I unanimously support House Bill 2849. We believe this bill is in the best interests of the Topeka Public Library and the Topeka-Shawnee County community.

The Topeka Public Library is heavily used by both city of Topeka residents and those Shawnee County residents living outside of the city. Roughly the same proportion of city residents use the library as county residents outside of the city.

I believe this to be a matter of fairness to all county users of the library. While those outside of the city would see a tax increase, with the exception of Rossville and Silver Lake, county residents would be sharing the load for services already received.

The price for equitable service to non-Topeka residents, cannot be continually borne by city residents. As the library considers important service and facility plans for the future, the question of fair user support needs to be settled.

Although the city of Topeka did not request the introduction of this bill, we wholeheartedly support House Bill 2849 and ask the members of this committee to endorse it as well.

Sincerely,

Harry "Butch" Felker
Mayor

Attachment 1-1
Senate Local govt
March 18, 1992

RESOLUTION NO. 6203

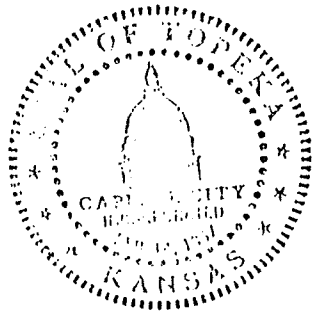
WHEREAS, the 1992 Kansas Legislature has proposed House Bill No. 2849, and
WHEREAS, House Bill No. 2849 would authorize a Countywide election to determine the creation of a Topeka and Shawnee County Public Library which would expand the Topeka Public Library taxing authority to all the territory located within Shawnee County except for Rossville and Silver Lake, and

WHEREAS, the Council of the City of Topeka actively encourages the 1992 Kansas Legislature to adopt House Bill No. 2849 that establishes a Countywide election which, if successful, would drop the City's levy to support the Topeka Public Library to around 5 mills as opposed to the 7 mills currently assessed City residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka, Kansas encourages the adoption of House Bill No. 2849 calling for a Countywide election to determine the creation of a Topeka and Shawnee County Public Library.

PASSED and APPROVED by the City Council FEB 18 1992

CITY OF TOPEKA, KANSAS



By Harry Felker
Harry Felker, Mayor

ATTEST:

Norma E. Robbins
Norma E. Robbins, City Clerk

Attachment 1-2
Senate Local govt
March 18, 1992

APPROVED AS TO FORM AND LEGALITY
DATE 2/13/92 BY ee2

Testimony of Charles Engel
H.B. 2849
Wednesday, March 18, 1992

Madame Chair and members of the committee. I am Chuck Engel, chairman of the Topeka Public Library Board of Trustees. On behalf of the other trustees, I ask your serious consideration of HB 2849, as a logical and simple solution to a complicated and totally inequitable funding problem facing the Topeka Public Library.

Like most public libraries in Kansas, the Topeka Public Library is a creature of statute. Its governance, limitations on operations and funding are all controlled by statute.

In the mid-1960s, the legislature created seven multi-county library systems to provide library services to Kansans living outside a library district. Topeka is a member of the Northeast Kansas Library System (NEKLS) which comprises fourteen counties in extreme northeast Kansas.

Property owners within the library system but outside a library district, are assessed .61 mills annually for library services. The system uses the millage to contract with participating libraries within the system to provide services to its patrons. Libraries participating in the system must provide service free of charge to any patron living within the system.

The application of system statutes to the operation of the Topeka Public Library is dramatic. Our library is the largest in the system, and is second only to the Wichita Public Library in the size of its service area outside its taxing district. System patrons

*attachment 2-1
Senate Local govt
march 18, 1992*

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lean heavily on the Topeka Public Library for services, and it loans four books to every one book it borrows through interlibrary loan programs.

Shawnee County residents living outside the City of Topeka and Silver Lake and Rossville Townships annually contribute \$146,552 to NEKLS through the .61 mill levy for library service. NEKLS then provides the Topeka Public Library an annual grant of just \$67,230 to provide library services to rural Shawnee Countians and other patrons in the entire system.

Although one doesn't need a Topeka Public Library card to enjoy all its programs, especially children's story time, cultural events, and periodicals, our records show 58,066 registered borrowers, 47,720 of whom reside inside the City of Topeka, and 10,315, or 18 percent of whom live in the county outside Rossville and Silver Lake townships.

Although 18 percent of our users are system patrons, the annual NEKLS grant to the Topeka Public Library is only 1.5 percent of its annual budget. Those figures alarm us.

Further, the .61 mills levied on NEKLS property owners is 90 percent less than the 5.75 mills levied in the City of Topeka for library service. Stated differently, Topeka property taxpayers pay 9.5 times the rate their rural neighbors do for the same library services.

Earlier I alluded to the fact that the Topeka Public Library's mill levy is capped by statute at six mills. Currently, the mill levy rests at 5.75 mills. At the same time, it is experiencing the greatest demand in its history for services from an increasingly growing

*attachment 2-2
Senate local govt
march 18, 1992*

number of patrons. Its budgets have been affected considerably by increases in the minimum wage, the Americans with Disabilities Act, wear and tear on its collection and physical plant and the increasing costs of new technology required to deliver library services.

The library board has studied several options to solve this funding inequity. We considered shortened library hours and curtailing other services such as the bookmobile and off-site services. We considered withdrawing from NEKLS, and thereby eliminate our responsibility to service all system patrons free of charge. However, that act would cause divisiveness instead of unity. The third option was to attempt to create a new, larger library district. House Bill 2849 is the product of that effort.

The proposed legislation will:

- extend the taxing basis from the City of Topeka to the Shawnee County borders, but exclude Silver Lake and Rossville townships, since residents there support two township libraries with mill levies;
- require a majority vote of the electorate in the county as well as a vote of the city electorate to approve of the creation of the library;
- change the name to the Topeka and Shawnee County Public Library;
- create a new board of ten members appointed for specified terms by the Topeka City Council and the Shawnee County Commission;
- transfer all assets and obligations of the Topeka Public Library to the Topeka and Shawnee County Public Library; and

*attachment 2-3
Senate Social govt
March 18, 1992*

- authorize a district-wide mill levy of five mills, which we believe will be required to provide better service to all residents of the library district.

In a 1985 survey conducted by the Central Research Corporation, we learned that respondents residing in rural Shawnee County were just as likely to use the Topeka Public Library regularly as their city neighbors. In fact 63 percent of the rural respondents used the library regularly, averaging a visit at least once every five weeks. Topeka Public Library is the library for rural Shawnee Countians, and they use it. HB 2849 would create an equitable funding basis, and those who use its services would all pay the same rate.

Please do not interpret my remarks as an attack on my rural neighbors. The fact that such a large percentage of them use the library's services regularly is not only legal, but encouraged by statute. Also, please do not take my remarks as an indictment against the system library law. It is a good law which required vision when it was enacted, and it has served many Kansans well over the past 25 years. I hope you will interpret my remarks, though, as a fair and reasonable request to change existing statutes to permit the library to become an even better library to be shared with all the members of the system.

*Attachment 2-4
Senate Local govt
March 18, 1992*

March 18, 1992

To: The Senate Local Government Committee

From: Kansas State Library

About: Speaking in support of House Bill 2849

I am Duane Johnson, State Librarian. Thank you for the opportunity to speak as a proponent of House Bill 2849.

The State Library endorses House Bill 2849 because the establishment of the new library district which this legislation authorizes would achieve four important objectives. It would:

1. Eliminate the serious library service funding inequity which exists between the Topeka library district and the county area.
2. Strengthen the funding of the Topeka, Rossville and Silver Lake library districts using a fair method so that improved library service can be provided to the people of the county.
3. Maintain the direct participation of county residents in the decision on this question through the election provided for in the bill.
4. Enable the Topeka library to continue to be a valuable and active participant in the Northeast Kansas Library System and the statewide library information network. The Topeka library is an information resource used by people throughout the state. The continued availability of access to the Topeka library through the statewide information network is important to every student, educator, researcher and economic developer in Kansas.

*Attachment 3-1
Senate Local Govt
March 18, 1992*



HOUSE OF
REPRESENTATIVES
FORTY-SECOND DISTRICT
LEAVENWORTH COUNTY

STEVIE STEPHENS

ROUTE 1
TONGANOXIE, KANSAS 66086
(913) 845-3036

STATE CAPITOL
ROOM 426-S
TOPEKA, KANSAS 66612
(913) 296-7680

COMMITTEE ASSIGNMENTS

- ENERGY & NATURAL RESOURCES
- ELECTIONS
- LOCAL GOVERNMENT

TESTIMONY ON HB 2849

Thank you for the opportunity to voice my opposition to HB 2849.

This bill proposes to expand the taxing authority of a city library throughout the county. When this legislation came before the House Local Government Committee, of which I am a member, it was exclusive to Topeka and Shawnee County. The original legislation sought to have this expansion of taxing authority granted after having gone to an aggregate vote of county and city residents. In committee we amended it to separate the urban and rural votes and require that it pass by a majority vote in both areas. This was certainly an improvement in the bill, but I still did not support it in committee. I consider this bill bad policy and objectionable procedure.

The only conferees appearing before the House Committee were the legislative sponsor and the Topeka Library Board. After the hearings committee members received letters from concerned rural residents of Shawnee County voicing opposition to this bill. It was only after having read an account of the hearings in the Topeka paper that rural Shawnee County libraries were aware of the legislation.

Similarly, when this bill came to the House floor, rural Shawnee County legislators from both sides of the aisle voiced opposition to the bill as well as concern that the Topeka delegation had not worked with the rural Shawnee County delegation on the proposal.

Additionally, on the floor, Representative Graeber introduced an amendment to include Leavenworth County. Frankly, it caught me off guard. Once again, the city legislator had not apprised the rural delegation - from either side of the aisle - as to his intention to include Leavenworth County in this expansion of city taxing authority. I respect Representative Graeber and consider myself to have a good relationship with him, but I contend that if this legislation were a good idea, urban legislators would have worked with rural legislators - in both counties - to support it, not blind-side them.

Further, Representative Baker added a floor amendment which excluded all other counties from this legislation. I submit to you that if it's a bad idea for the rest of the state it's a bad idea for Shawnee and Leavenworth counties as well. The final vote on the floor was only two votes short of killing the bill.

As much as the process that has gotten this legislation this far concerns me, the policy concerns me even more.

*attachment 4-1
Senate Local govt
march 18, 1992*

I dare say that in these tough economic times there is not a taxing authority that would not like to broaden its base. In fact, we could probably finally resolve our property tax mess in Kansas if we could extend our taxing authority beyond our state's boundaries.

I sympathize wholeheartedly with the Leavenworth and Topeka libraries in wanting to generate more revenues, but it is not a fair means to achieve those ends.

First, fourteen counties (including both Shawnee and Leavenworth) belong to the Northeast Kansas Library System (NEKLS) from which the county libraries receive grants from money collected by a small region-wide mill levy. If this bill passes, affected counties will no longer belong to NEKLS and thus will lose that funding. For the Tonganoxie library that represents 30% of its entire budget. This in turn would make the county libraries dependent on the Leavenworth city library for funding. To add insult to injury, those library districts most ill-affected by this bill in Leavenworth County, i.e., Tonganoxie, Basehor and Linwood cities, are excluded from the ability to vote against this proposal were it to go to a vote in Leavenworth county. This would have further ramifications beyond the borders of Leavenworth County. While Leavenworth County collected \$52,000 for the NEKLS regional system, only \$34,000 was returned to the county. Implicit in those figures are potential grant money cuts in other counties in NEKLS.

Secondly, the Leavenworth city library claims 23% of its lending occurs among residents outside of the city of Leavenworth. I am unsure whether this includes the population of the city of Lansing and of Ft. Leavenworth. If so, it obviously decreases the percentage of rural residents' usage substantially. In either case, however, this new tax structure would put 41% of the tax burden outside of the city of Leavenworth.

Thirdly, the appointed, not elected, board would be comprised of ten members, seven of which would come from the city...even though the city has only 38% of the county's population. Obviously, the county residents outside of Leavenworth city would thus always be under-represented.

Lastly, this authorizes a 3 3/4 mill levy tax increase - subject to a vote. If it were to become law, the library board could adopt a 1/4 mill increase each year up to 8 mills, subject only to protest petitions. I do not think it should be incumbent upon rural residents to carry petitions year after year after year to stop a tax increase for the city library.

I contend this is a means by which to decrease the tax burden of city residents at the expense of rural. I believe it is bad policy to extend the taxing authority of a jurisdiction beyond its boundaries. I submit that it would be akin to charging rural residents for city sewer projects because they might use restrooms when they are shopping in the city. City taxing authority should stop at city boundaries.

I urge this committee to adversely report this legislation and not treat Leavenworth and Shawnee counties contrary to other counties in the state.

*Attachment 4-2
Senate Local Govt
March 18, 1992*

We the members of the Tonganoxie Library Board, Basehor and Tonganoxie librarians and residents of Tonganoxie have a few questions which we feel need to be addressed before the passing of bill #2849.

1. What portions of the county will be included in the district?
2. What will happen to the services and funds supplied by NEKL?
3. What will happen to the bonds which have already been passed in Tonganoxie for the Tonganoxie City Library?
4. When will all of the new rules take effect?
5. What funds which are currently being received by the Tonganoxie public library will be lost?
6. Will the lost funds be reimbursed in any way by the newly formed library district?
7. How were the libraries and residents of Leavenworth county notified of the proposed bill and its effects?

This bill was presented with no notification and little regard for the libraries of Tonganoxie, Basehor and Linwood. These libraries and their patrons will be adversely affected by passage of this bill.

- 1) The total grants to these libraries from NEKL which will be lost if this bill is passed exceed \$19,500.
- 2) Currently NEKL receives .6 mills from patrons outside library districts within the county. These funds are then redistributed to the existing library districts. If the bill is passed the new library district may levy a tax up to 3.75 mills which is over a 600% increase.

The Tonganoxie Library Board had previously decided that an additional tax increase would not be necessary. With the loss of 30% of our annual budget our library would cease to exist without a sizable tax increase.

It is in the best interests of the libraries and their patrons to request this proposal be either restructured to include guaranteed reimbursement for these lost funds or the bill be not passed and rewritten to be more equitable to all parties concerned.

*Attachment 5-1
Senate Local govt
March 18, 1992*

64-59

JOAN HAMILTON
REPRESENTATIVE, FIFTY-FIRST DISTRICT
6880 AYLESBURY ROAD
TOPEKA, KANSAS 66610
(913) 478-9515
OFFICE:
STATE CAPITOL, 272-W
TOPEKA, KANSAS 66612
(913) 296-7650



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: FEDERAL & STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
JUDICIARY

March 6, 1992

PLEASE VOTE

NO

ON HOUSE BILL

2849

I ask you to vote **NO** on this House Bill for various reasons:

- 1) The residents in my county area are looking at a substantial increase in their mill levy **WITHOUT THIS BILL**, particularly Rossville.
- 2) Though there is a requirement for a vote from the residents, that portion of the bill could always be removed in following years when there are financial problems again. Also elections are **costly and time-consuming for small cities as well as large.**
- 3) Though Silver Lake and Rossville are exceptions to this bill, that could also be removed in the coming years.
- 4) The Topeka Public Library is not only used by residents of Shawnee County, but it is a member of the **Northeast Kansas Library Association**. The people using the library have been more than willing to pay a fee or annual usage due for this privilege. It is unfair to make the **Shawnee County residents pay for a library that is used by many surrounding counties.**
- 5) I don't believe the Topeka Public Library requested this bill from the Shawnee County delegation. If they did, I was not told ---- and it was not endorsed by the Shawnee County Delegation.
- 6) The property taxes on my rural county constituents, like so many of yours, is already too heavy. THIS IS NEITHER THE TIME OR THE YEAR TO BE BURDENING OUR SMALL TOWN RESIDENTS WITH INCREASES ON THEIR MILL LEVY.

Rossville citizens face a more than double mill levy increase with the school finance plan of a 45 mill levy statewide. Every mill levy increase will mean a BIGGER AND

UNNECESSARY BURDEN ON THEM!!

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PLEASE VOTE

ON HOUSE BILL

Thank you.

Joan

attachment 6-1
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