

Approved: February 21, 1994  
Date

## MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION.

The meeting was called to order by Chairperson Audrey Langworthy at 11:10 a.m. on February 18, 1994 in Room 519-S of the Capitol.

Members present: Senator Langworthy, Senator Tiahrt, Senator Martin, Senator Bond, Senator Corbin, Senator Feleciano Jr., Senator Hardenburger, Senator Reynolds, Senator Sallee

Committee staff present: Tom Severn, Legislative Research Department  
Chris Courtwright, Legislative Research Department  
Bill Edds, Revisor of Statutes  
Don Hayward, Revisor of Statutes  
Elizabeth Carlson, Committee Secretary

Conferees appearing before the committee: Fred Logan, Counsel, Kansas Library Association  
James Marvin, State Library Advisory Commission  
Duane Johnson, State Librarian  
Don Moler, League of Kansas Municipalities  
Gerry Ray, Johnson County Board of Commissioners

Others attending: See attached list

### APPROVAL OF MINUTES

**Senator Martin moved to approve the minutes of February 17, 1994. The motion was seconded by Senator Feleciano. The motion carried.**

### **SB 733--PROPERTY TAX LEVIES FOR FUNDING OF CERTAIN LIBRARIES**

Chairman Langworthy called the attention of the committee to written testimony submitted by Joe McKenzie, Library Director, Saline Public Library, in support of **SB 733**. (Attachment 1)

#### Proponents

Fred Logan, Counsel, Kansas Library Association, spoke in support of **SB 733**. (Attachment 2) He said he had heard testimony about the obsolete nature of levy limits for city and county governments and this is also true for libraries. He said there are four different library systems in the state of Kansas. In separate instances, the legislature has granted authority to library boards to increase their budgets by some small increment, subject to a protest petition and election procedure. The bill he has drafted is modeled after a bill which covers these libraries in Salina, Topeka and Hutchinson. These three libraries have had the kind of budget authority granted by **SB 733** for many years and most importantly, they have outstanding libraries. City, county and township libraries would have budget authority consistent with that in Salina, Topeka and Hutchinson. An exception to the bill would be the Johnson County Library which is covered in KSA 12-1225b(b). He said in this rapidly-changing technology age libraries need to have the ability to serve more people. They needed to be funded adequately. This bill assures accountability through a protest petition and election procedure and is consistent with present Kansas law.

Mr. Logan was asked by the committee if it gave more power to the libraries, and he replied to a degree it does because they can increase their budget up to 1/2 mill increments subject to the protest petition. However, they are still under the jurisdiction of the county, city or township governments.

James Marvin, State Library Advisory Commission, told of his history with the Topeka Library. He was the director for 25 years. He said it was 20 years ago that the cap of 4 mills was put on the Topeka Library and he said they are now setting the mill levy at 3 1/2. He said in his years with the library, he had complaints about books that were purchased for the library but he had never had a complaint about the money spent by the library.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION, Room 519-S  
Statehouse, at 11:10 a.m. on February 18, 1994.

Duane Johnson State Librarian, said the State Library supports **SB 733** because the proposed law allows a reasonable and very much needed change in the method of funding public library service. (Attachment 3) He said this funding is similar to that used by Hutchinson, Salina and Topeka libraries and it is testimony to the wisdom of this method of library funding. The statutory mill levy for libraries has not been adjusted since 1951. Mr. Johnson gave statistics for the 315 public libraries in Kansas. In the interim study in 1992, the need to increase levy authority was recognized by the legislature and it recommended an increase for all library units. He also spoke of the national and global information network being essential to education and at the present time and at the current levy restrictions, public libraries are not able to gain access to these networks. He urged the committee to recommend **SB 733** favorably.

Opponents

Don Moler, General Counsel, League of Kansas Municipalities, spoke in opposition to **SB 733**. (Attachment 4) He said the League objects to creating separate taxing entities of the many city, county and township libraries in Kansas. He said they believe that the state of Kansas should be looking to allowing local government to consolidate their functions and services rather than increasing the number of taxing districts and adding to the property tax. He also said the League objects to the proposed increase in the allowable mill levy rate to 6 mills for libraries. This should not be put in the statues but rather left to the discretion of the local city or county governments. He recommended the committee not pass **SB 733**.

Gerry Ray, Johnson County Board of Commissioners, appeared in opposition to **SB 733**. (Attachment 5) She said this bill reverses those efforts to insure appointed bodies are accountable to elected officials, especially in the area of budgets and taxing authority. **SB 733** permits library boards to levy up to 6 mills in 1/2 mill increments. The legal counsel for the County Commission is of the opinion that all libraries are covered under KSA 12-1225, Section 1 (a) which would include Johnson County. She urged the committee to vote down **SB 733**.

There was discussion in the committee and with staff if the libraries are within the cap, the commissioners have no jurisdiction. Staff was asked to research whether or not Johnson County would be under this new law. There was also discussion if the 6 mill cap was on top of the present mill levy.

The hearing was closed on **SB 733**.

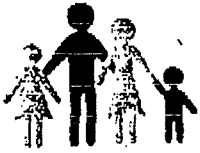
The meeting adjourned at 11:55 a.m.

The next meeting is scheduled for February 21, 1994.

**GUEST LIST**  
**SENATE ASSESSMENT AND TAXATION COMMITTEE**

DATE: February 18, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
James Swan	2705 20th Great Bend	Great Bend Pub. Lib
Jean Oynk	R1 Box 48 Walton Ks	KNEA
Margo Zukura-Vaughan	1033 Eastern Wichita Ks	KS Library Comm.
Ardina Matlack	615 Elaine av. Clearwater Ks	" " "
Mary Plank	917 Dearborn Baldwin	" " "
Bill Blackenship	Topeka	Capital - Journal
DICK ROLLER	TOPEKA	DEPT OF ADM
Don Moler	Topeka	League of KS Mun.
Debra Sabel	Topeka	KSASHIBRARY Network
Debra Plaster	NE Ks Lib. System	Olathe KS Board
Michelle Clum	Topeka	Att. Jan Small
Ann Marie Johnson	Topeka	State Library
Jim Marver	TOPEKA	KLA
Henry Wilkes	SEKS	SEKS
Jeffrey Flynn	MANHATTAN	NCKLS
Mattie Ransom	Winfield	KLA
Kay Braast	Lawrence	KLA
BEV BRADLEY	Topeka	KS Assoc of Counties



**Salina  
Public  
Library**

February 18, 1994

TO: Senate Assessment & Taxation Committee

FROM: Joe McKenzie  
Library Director  
Salina Public Library

I am submitting written today testimony in support of Senate Bill 733.

The Salina Public Library has been operating under a statute that is similar to that proposed in Senate Bill 733 - statute 12-1215. In the 5 years that I have been Director, we have never had a public protest of the budget proposals that we have published. Our community is very conscious of their property tax dollars and the value that they receive or don't receive for those dollars. They are very supportive of the library and the manner in which we have operated to deliver service to them.

I have found that our Board of Trustees takes their responsibility under the statute very seriously. While they are interested in the support and development library services, they balance that interest with knowledge of the local tax burden and approve policies and budgets that are reasonable. Our General Fund mill levy for 1994 is just 4.708 mills up from 4.574 2 years ago in 1992. We have had an adequate budget in Salina with the support of the Board of Trustees operating under 12-1215.

Please give strong consideration to the legislation proposed in Senate Bill 733. Public libraries in the state need a strong, fair and consistent piece of legislation under which to operate and Senate Bill 733 would be a major improvement.

Thank you for the opportunity to submit written testimony to your committee.

*Senate Assessment + Tax  
Feb 18, 1994  
attach 1-1.*

301 West Elm  
Salina, Kansas  
67401  
825-4624  
CH. 825-0608

Hours  
Mon-Thurs. 9-9  
Fri-Sat. 9-6  
Sunday 1-6

HEARING BEFORE THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION  
ON SENATE BILL 733

February 18, 1994

**Remarks of Fred Logan,  
Counsel for the Kansas Library Association**

A debate has begun in this session of the legislature on the future of library and information service in the state of Kansas. It is a very important debate and a very important issue. The stakes are quite large: the manner in which information technology is utilized for Kansans throughout the state, not only in the urban areas, but in the most remote rural areas; the delivery of information in an information age; and maintaining quality library service are issues of critical importance to Kansans.

This committee recently heard testimony on the obsolete nature of levy limits for city and county governments. The same public policy arguments apply to the levy limitations on libraries. Libraries are struggling to address the ever-increasing needs of Kansans for information and for better information technology while maintaining their historic accountability to the public. It is probably safe to say that there are few, if any, public institutions in the state of Kansas that are as popular as libraries.

I was retained by the Kansas Library Association to assist it in drafting a bill that would recognize some of these problems; that would recognize the autonomy historically granted to library boards to provide library service for their communities; that would recognize the fact that the levy limits for libraries are obsolete; and that would assure accountability to the public. I have served as counsel to the Johnson County Library for 13 years and have had occasion to become familiar with the four different library systems in the state of Kansas: the special system for the Salina, Hutchinson and Topeka libraries; the system for city, county and township libraries; the regional library system; and the library district system.

Fortunately, this legislature has created several library models over the years that made my work relatively easy. The legislature has historically granted considerable autonomy to library boards in making library budgets. The bill that you have before you accordingly is nothing new. In two separate instances, the legislature has granted authority to library boards to increase their budgets by some small increment, subject to a protest petition and election procedure. That system applies in the Salina, Topeka, and Hutchinson library system and it applies to the library district system, as well.

*Senate Assessment + Taxation  
February 18, 1994  
attach 2-1*

The bill before you is drawn from the Salina, Topeka, and Hutchinson model. The language that you have before you in Senate Bill 733 is largely drawn from K.S.A. 12-1215, the statute that is applicable to those three libraries. I would suggest to you that this model is appropriate for libraries throughout the state. These three libraries have had the kind of budget authority granted by Senate Bill 733 for many years. No one from those communities has come to the legislature urging it to change this system. These libraries have excellent relations with their city councils or commissions and no local unit of government is arguing for more control. Most importantly, these three library systems have outstanding libraries.

What does Senate Bill 733 do, then? With one exception, city, county and township libraries would have budget authority consistent with that exercised by Salina, Topeka, and Hutchinson libraries, without problem, for many years. I mentioned that there is one exception. The one exception is the Johnson County Library, which would not be able to make use of the authority granted by this bill. Pursuant to K.S.A. 12-1225b(b), actions taken by the library board in Johnson County are subject to the budgetary policies established by the board of county commissioners. Under the terms of this bill, however, other city, council, and township libraries would be able to increase their budgets by up to one-half mill in a year, subject to a protest petition and election procedure. This kind of system, as I mentioned, is already in place in Salina, Topeka, and Hutchinson and in library district systems established pursuant to K.S.A. 12-1236.

Let me mention what this bill does not do. It does not create some radical new system. It does not give library boards powers that they have not already held before. In fact, because of the protest petition and election procedure, this bill in many respects is more restrictive than other library laws passed by the legislature in the last 40 years.

The simple fact of the matter is that historically the legislature has not held to the notion that city or county governments need to "control" libraries or library budgets. The legislature has held to the notion that libraries need to be accountable and to act responsibly within limits set by the legislature. The popularity of libraries in this state, and the fact that members of the public have not come before you to complain about library budgets, speak volumes about the success that libraries have had in meeting the expectations of the legislature.

I encourage you to give careful consideration to the concepts embodied in Senate Bill 733. How can libraries serve more people in an information age? How can even the smallest libraries acquire rapidly-changing information technology?

This bill is narrow, it assures accountability through a protest petition and election procedure, and it is consistent with present Kansas law. If it is good public policy for some libraries to have this kind of budget authority, if having this kind of system has led to outstanding library service, why is it not good public policy for all libraries?

I thank you for giving me the opportunity to testify in my capacity as counsel to the Kansas Library Association in support of this bill.

SENATE ASSESSMENT AND TAXATION COMMITTEE

SENATOR AUDREY LANGWORTHY, CHAIR

Friday, February 18, 1994

Statement of Duane Johnson, State Librarian, speaking in support of Senate Bill 733

1. The State Library supports S. B. 733 because the proposed law allows a reasonable and very much needed change in the method of funding public library service.

The funding method proposed here is very similar to the method provided in K. S. A. 12-1215 which has served the cities of Hutchinson, Salina, and Topeka for the past 50 years. The effective and responsible service which the library boards of these cities have consistently provided through the decades is testimony to the wisdom of this method of library funding. It is appropriate to allow this method to the other public libraries of the state.

2. The statutory mill levy limitations under which most libraries have operated have not been adjusted since 1951. It simply is not possible to operate an effective public library on the limitations provided for in K.S.A. Chapter 79, and in the soon to be adopted Senate Bill 447. These limitations force many libraries to restrict hours of service because the levy limits will not allow funds to pay minimum wage salaries and other basic operational expenses. In some, new books have become a luxury!

Using 1992 annual statistics, of the 315 public libraries, 180 are operating on mill levies of three mills or lower. There is an additional 56 with budgets so small that they are unable to report a specific mill levy amount. Presumably using the authority of a home rule charter ordinance, 25 libraries operate on a mill levy of more than 3 mills, but less than 4 mills, and 54 libraries operate with levies of from 4 to 6.7 mills. Approximately 310 of the 315 libraries would be affected by the funding method proposed in this bill.

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attach 3-1



3. The Legislature's 1992 interim study committee on libraries recognized the need to increase levy authority and recommended an increase for all library units.

4. While the effect of this bill will allow library boards to increase library funding when necessary, the process of budget publication and the opportunity for citizen petition and election on the proposed increase insures public participation in the decision making.

It is worth noting that the library boards of Hutchinson and Salina have had access to the 6 mill levy maximum since 1981, but still levy less than 5 mills. The library boards have been very careful in the use of the levy authority provided in the law.

5. Recent news headlines and the related news stories have notified us all that the national and global information network is a reality. These networks are essential to education and a competitive local economy. Local libraries through out the U.S. are encouraged to be an community connection to these information services.

The reality is that most Kansas public libraries have no funding capacity to pay for access to these necessary information services. We see the model for information service in the 21st century, but with current levy restrictions, public libraries are not able to gain access to these networks for the benefit of the people they serve. The effects of SB 733 would enable Kansas libraries to begin to work and deliver service in the new information environment.

This bill responds to a critical need. We urge you to recommend SB 733 to the Senate.

Thank you for the opportunity to present this information.



**League  
of Kansas  
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

**TO:** Senate Committee on Assessment and Taxation

**FROM:** Don Moler, General Counsel

**DATE:** February 18, 1994

**RE:** SB 733--Library Tax Levies

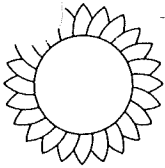
Thank you for the opportunity to appear on SB 733, concerning the subject of allowing libraries to have their own property tax levies. Essentially this legislation creates separate taxing entities of the many city, county and township libraries in Kansas. The League opposes the creation of new districts when existing general purposes local governments, such as cities, counties and townships exist. This type of authority for library districts will only serve to create several hundred more taxing districts in Kansas. That is the last thing we need. Specifically, Kansas ranks **second** in the nation in the number of taxing districts, exceeded only by the State of Illinois. An analysis by the League in 1991 indicated that there are 4,025 taxing districts in the State of Kansas. Do we really want to increase this number by several hundred more by giving city, county and township libraries their own taxing authority? The League believes that the State of Kansas should be looking more towards allowing local governments to consolidate their functions and services rather than increasing the number of taxing districts and further stressing the property tax dollar.

The League further objects to the proposed increase in the allowable mill levy rate for libraries to 6 mills. We do not believe this should be placed in statute, but rather should be left to the discretion of the local city or county governing body through the use of home rule. We firmly believe that city and county governing bodies are completely able to weigh the best interests of their local libraries and determine the appropriate level of funding for those libraries.

Finally, we note on page 2 of SB 733, lines 9:11, that any election held under this scheme would be held pursuant to the general bond law. Our concern is in the event of a "no" vote, it would appear that the cost of the election would be paid by either the city, county or township and we feel this is totally inappropriate given that the library would be the entity attempting to levy the tax.

**RECOMMENDATION:** We believe SB 733 is a bad idea and should be discarded as such. The last thing the state of Kansas needs are several hundred more independent taxing units. We believe that the existing structure works well and that ultimate control of city, county and township libraries should be maintained by the elected governing bodies of those entities. We reject the notion that elected city, county and township officials cannot make informed and responsible decisions concerning the funding of libraries and hope the committee will agree.

*Senate Assessment + Tax  
February 18, 1994  
attach 4-1*



February 18, 1994

SENATE ASSESSMENT AND TAXATION COMMITTEE

HEARING ON SENATE BILL 733

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR  
JOHNSON COUNTY BOARD OF COMMISSIONERS

Madam Chair, members of the Committee, my name is Gerry Ray, representing the Johnson County Board of Commissioners. I am appearing today in opposition to Senate Bill 733.

The bill grants the authority to appointed Library Boards to levy up to six mills in property tax and certify it directly to the county clerk. The elected governing body of the municipality is circumvented in this process.

The bill is an anomaly considering the efforts made by the legislature in recent years to insure appointed bodies are accountable to elected officials, especially in the area of budgets and taxing authority. This bill reverses those efforts by allowing the imposition of taxes by appointed boards, thus replacing direct accountability of an elected position with the indirect procedure of a protest petition.

SB 733 permits library boards to levy up to 6 mills in 1/2 mill increments. With the current valuation in Johnson County, 1/2 mill would generate over \$1 million and 6 mills would be about \$17 million. Needless to say this would certainly support an outstanding library system when you consider it is in addition to the amount levied by the County Commission.

The Johnson County Library Board has indicated that its members do not believe the bill affects K.S.A. 12-1225 et seq. under which our library system is governed. However, the County Commission's legal counsel is of the opinion that all libraries are covered under Section 1 (a). We can find no reference to any statute being exempt from the provisions of the bill.

The Johnson County Commissioners are opposed to the bill based on the belief that accountability is a requisite to taxing authority and anticipate that this elected body will agree with that philosophy. The Commissioners hope you will join them in seeking to retain and fulfill the responsibility due the people who elect both state and local officials. The Committee is urged to recommend against the passage of SB 733.

*Sen Assess. + Tax  
Feb. 18, 1994  
Attach 5-1*