

HOUSE BILL No. 2410

By Representative Howe

11-21

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

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

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

(b) Such petition shall be prepared in cooperation with the state librarian on forms provided by ~~him or her~~ *the state librarian*. Such petition may propose cooperative arrangements with institutions of higher learning. Such petition shall include, but shall not be limited to, the following information:

~~(a)~~(1) A statement of purpose for *the* establishment of the proposed system and an outline of the proposed program of the system;

~~(b)~~(2) a list of the counties to be included in the proposed regional system of cooperating libraries and any exclusions therefrom;

~~(c)~~(3) a list of the participating libraries within the proposed regional system of cooperating libraries, together with the names and addresses of the members of the board of each such library;

~~(d)~~(4) letters or resolutions from each of the boards of participating libraries indicating the interest and attitude of such board toward *the* establishment of the regional system of cooperating libraries;

~~(e)~~(5) a list of the current budgets of each participating library showing items for library material and personnel for each such budget;

~~(f)~~(6) indication of local support appropriate to the operation of the proposed regional system of cooperating libraries;

~~(g)~~(7) the number of persons to be served by the system, showing

1 those presently within the taxing districts supporting one of the
2 participating libraries, and those persons not within such a district; and
3 ~~(H)~~(8) such other information as may be requested by the state
4 librarian.

5 Sec. 2. K.S.A. 75-2550 is hereby amended to read as follows: 75-
6 2550. (a) The system board shall consist of one or more representatives
7 selected by each of the boards participating in the regional system; and one
8 or more representatives appointed by the board of county commissioners
9 of each county that is a part of the regional system to represent territory
10 not within the district of *the* participating library board but within the
11 territory of the regional system of cooperating libraries. The petition
12 provided for in K.S.A. 75-2549, and amendments thereto, may propose the
13 number of representatives of each such board, but the determination
14 thereof shall be made by the state board when approving such petition. The
15 state board shall consider any petition ~~presented to it~~ *submitted* as provided
16 in this act ~~and. If it approves such petition it~~ *the state board approves the*
17 *petition, the state board* shall adopt a resolution officially designating such
18 particular regional system of cooperating libraries and describing the
19 territory thereof ~~which. Such territory~~ shall include one or more counties
20 but shall exclude the territory of any taxing district ~~which regularly that~~
21 ~~levies a property tax of 0.25 or more mills of tax for the support of a~~
22 ~~public library upon the request of the governing body of the district~~
23 ~~making such levy. Any district so excluded may later petition to be added~~
24 ~~to and included in the regional system of cooperating libraries from which~~
25 ~~it was excluded and such petition shall be prepared and processed as other~~
26 ~~petitions provided for by this act that has been excluded pursuant to~~
27 *subsection (b). Additional counties may be added to the territory of any*
28 *regional system of cooperating libraries upon petition by a library board*
29 *located in such county and such a. Any such* petition shall be prepared and
30 processed as is provided in this act for initial petitions; except that ~~the~~
31 ~~prior written approval in writing of a such petition under this sentence~~
32 shall be obtained by the petitioning board from the regional board and
33 attached to the petition when submitted to the state board. Within two
34 weeks after receiving notice of approval of a petition provided for under
35 this act, the board of each participating library and the board of county
36 commissioners of the county of residence of such appointee; shall select
37 the number of representatives determined by the state board and shall
38 certify the names and addresses of such representatives to the state
39 librarian. The term of each such representative may be proposed in the
40 petition ~~provided under K.S.A. 75-2549, and amendments thereto, but~~
41 shall not exceed four years; ~~and. The final determination of duration of~~
42 terms shall be made by the state board at the time of approval of the
43 petition.

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

18 (2) Any taxing district excluded from a regional system may petition
19 to be added to and included in such regional system of cooperating
20 libraries. Such petition shall be prepared and processed as other petitions
21 provided for by this act. If any taxing district excluded from a regional
22 system stops levying the property tax required under paragraph (1) for a
23 period of two consecutive years, the state board shall enter an order for
24 the inclusion of such taxing district in the regional system from which it
25 was excluded.

26 (c) The system board shall have the authority and power to:

27 (1) Operate a system of library service to and for participating
28 libraries;

29 (2) ~~the system board may~~ purchase service from a participating
30 library for the benefit of the regional system of cooperating libraries;

31 (3) ~~the system board may~~ contribute to or receive contribution from
32 any participating library; and ~~may~~ receive and utilize any gift of funds or
33 property donated to the regional system of cooperating libraries;

34 (4) ~~the system board may~~ contract with any one or more participating
35 libraries, and the board of each participating library is hereby authorized to
36 contract with the system board or with any one or more other boards, but
37 any such contract shall provide that ~~the same~~ *such contract* shall not take
38 effect until approved by the state librarian;

39 (5) ~~the system board may~~ contract with any other system board or any
40 board, but any such contract shall provide that ~~the same~~ *such contract* shall
41 not take effect until approved by the state librarian; and

42 (6) employ a system librarian and such other persons as the regional
43 board may find convenient or necessary.

1 Sec. 3. K.S.A. 75-2551 is hereby amended to read as follows: 75-
2 2551. (a) Federal funds for public library service made available to the
3 state ~~which~~ *that* are administered by the state librarian or state board may
4 be used in support of any one or more regional system of cooperating
5 libraries within the provisions of such federal legislation. The use of funds
6 of any regional system of cooperating libraries shall be established by the
7 system board by contracts with boards of participating libraries, or
8 otherwise.

9 (b) Participating boards shall have the power and are hereby
10 authorized to pay for services purchased from the system board.

11 (c) Any funds appropriated by the legislature and administered by the
12 state librarian for the promotion of library services may be used to pay all
13 or part of the expenses and equipment of any regional system of
14 cooperating libraries.

15 (d) The system board shall be subject to the cash basis and budget
16 laws of the state. The budget of the system board shall be prepared,
17 adopted and published as provided by law and hearing shall be held
18 thereon in the first week of the month of August of each year. The tax levy
19 made pursuant to the budget shall be based upon the certified preliminary
20 abstract of property values submitted to the director of property valuation
21 pursuant to K.S.A. 79-1604, and amendments thereto, and shall be
22 certified to the county clerks of each county in the territory of the regional
23 system of cooperating libraries.

24 (e) Each system board is hereby authorized to levy *a tax that is* not in
25 excess of $\frac{3}{4}$ mill ~~of tax~~ to be used for library purposes on all of the taxable
26 property within the boundaries of the regional system of cooperating
27 libraries ~~that is not~~ *except taxable property* within a *taxing* district
28 supporting a library with funds of the district *when such taxing district has*
29 *been excluded from the regional system pursuant to K.S.A. 75-2550, and*
30 *amendments thereto.*

31 Sec. 4. K.S.A. 75-2549, 75-2550 and 75-2551 are hereby repealed.

32 Sec. 5. This act shall take effect and be in force from and after its
33 publication in the Kansas register.