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MEMORANDUM

To: Chairperson McGinn
Members of the Senate Committee on Local Government

From: The Office of Revisor of Statutes

Date: February 1, 2024

Subject: HB 2176 – Creating public library districts in Cowley County.

House Bill No. 2176 (HB 2176), as amended by the House Committee on Taxation, would create the Arkansas City Area Public Library District Act and the Udall Area Public Library District Act.

New Sections 1 through 8 establish the Arkansas City Area Public Library District Act.

Section 1 – Defines terms throughout the act and establishes the library district as all the territory located within the boundaries of Unified School District No. 470.

Section 2 – Allows the current Board of Trustees of the Arkansas City Public Library to adopt a resolution proposing to create a new library district and stating the proposed tax levy amount for the library district. If such resolution is adopted, an election would be held voting on whether to establish the proposed library district. Existing contracts and obligations of the Arkansas City Public Library would become obligations of the Arkansas City Area Library District.

Section 3 – If the election approves the Arkansas City Area Library District, such entity would be governed by a board of seven member trustees. Four members would be appointed by the governing body of the City of Arkansas City with one member residing outside the city. Three members would be appointed by the board of education of Unified School District No. 470 and who reside outside the city. Members would be appointed for a term of four years and could only serve two consecutive terms without a break in service. Members would receive no

compensation but would be paid actual and necessary expenses in attending meetings and in carrying out their duties as members of the board.

Section 4 – Establishes the organization structure of the board.

Section 5 – Requires the free use of the library by residents of the library district. The board may extend the use and privilege of the library to nomesidents or charge a reasonable fee.

Section 6 – Allows the board the legal rights to contract, sue and be sued, acquire, hold and convey real and personal property. The board may also establish rules for the library, acquire materials for the library, employ employees, contract with other libraries, municipalities and school board for furnishing library services, receive moneys and gifts, make annual reports to the state librarian, and place money received in separate funds if necessary.

Section 7 – Requires the library district to prepare an annual budget to be certified by the Unified School District No. 470 Board of Education subject to a public hearing. Any budget resolution shall state the total tax to be levied for the library district by the board of education. Any tax levied would not be considered to be a tax levy of the Unified School District No. 470 Board of Education. The resolution would be required to be published in the official newspaper. Any increase in tax levy would be subject to a protest petition and election.

New Sections 9 through 16 establish the Udall Area Public Library District Act.

Section 9 – Defines terms throughout the act and establishes the library district as all the territory located within the boundaries of Unified School District No. 463.

Section 10 – Allows the current Board of Trustees of the Udall Public Library to adopt a resolution proposing to create a new library district and stating the proposed tax levy amount for the library district. If such resolution is adopted, an election would be held voting on whether to establish the proposed library district. Existing contracts and obligations of the Udall Public Library would become obligations of the Udall Area Library District.

Section 11 – If the election approves the Udall Area Library District, such entity would be governed by a board of seven member trustees. Four members would be appointed by the governing body of the City of Udall with one member residing outside the city. Three members

would be appointed by the board of education of Unified School District No. 463 and who reside outside the city. Members would be appointed for a term of four years and could only serve two consecutive terms without a break in service. Members would receive no compensation but would be paid actual and necessary expenses in attending meetings and in carrying out their duties as members of the board.

Section 12 – Establishes the organization structure of the board.

Section 13 – Requires the free use of the library by residents of the library district. The board may extend the use and privilege of the library to nonresidents or charge a reasonable fee.

Section 14 – Allows the board the legal rights to contract, sue and be sued, acquire, hold and convey real and personal property. The board may also establish rules for the library, acquire materials for the library, employ employees, contract with other libraries, municipalities and school board for furnishing library services, receive moneys and gifts, make annual reports to the state librarian, and place money received in separate funds if necessary.

Section 15 – Requires the library district to prepare an annual budget to be certified by the Unified School District No. 463 Board of Education subject to a public hearing. Any budget resolution shall state the total tax to be levied for the library district by the board of education. Any tax levied would not be considered to be a tax levy of the Unified School District No. 463 Board of Education. The resolution would be required to be published in the official newspaper. Any increase in tax levy would be subject to a protest petition and election.

Section 17 – Includes the Arkansas City Area Public Library District Act and the Udall Area Public Library District Act as part of the State Grants-In-Aid to Libraries Act.

If enacted, HB 2176 would become effective on July 1, 2024.

The bill passed the House on March 2, 2023, on a vote of 110-12.