

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 59

As Recommended by Senate Committee on
Ethics, Elections and Local Government

Brief*

SB 59 would allow the city of Eudora to continue being a part of a library district previously established by the City of Eudora and the Eudora Township. The bill would be known as the Eudora Community Library District Act.

The bill would define the following terms:

- “Eudora community library district” would mean all territory located within the boundaries of the city of Eudora and the Eudora township; and
- “Board” would mean the board of the Eudora Community Library District (District) appointed pursuant to the provisions of this act.

Under the bill, the District would be created *via* the adoption of a joint resolution by the governing body of the City of Eudora and the Eudora Township board. The bill would require the joint resolution include the following provisions:

- The District board would be appointed as provided in the joint resolution;
- The District board would replace the existing Eudora Township Library Board; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The District would maintain the Eudora Township public library at the discretion of the District board.

The bill would require all contracts previously entered into by the Eudora Township Library District be continued by the District and all outstanding bonds, debts, and other obligations of the Eudora Township Library District would become the responsibility of the District.

The bill would require the District to be governed by a library district board (Board). The Board would consist of five directors, who would be qualified electors of the District. The terms of office for the directors would be established in the joint resolution. The board members appointed by the Eudora Township Library Board would continue to serve in their offices as directors of the Board until their respective terms expire and their successors are appointed by the City of Eudora and the Eudora Township, as provided in the joint resolution. Under the bill, directors would not receive compensation, but would be reimbursed for actual and necessary expenses required for attending meetings and in carrying out their duties.

The bill would require the directors of the Board to organize an election of a chairperson, secretary, treasurer, and other such officers as the Board may deem necessary by a majority vote. The Board would be required to establish the date and place for regular meetings. Special meetings could be called by the chairperson or a majority vote of the Board. The bill would require written notice of the timing, place, and purpose of any special meeting to be given to each director at least two days prior to the meeting, and no business other than what is stated in the notice could occur. The bill would allow the Board to adopt bylaws as the Board deems appropriate. The bill would require the treasurer of the district to provide a bond, in an amount determined by the Board, and to file such bond with the Douglas County Clerk. The Douglas County Treasurer would pay over all funds collected for the maintenance of the library or libraries in the District to the treasurer.

Under the bill, the District would have the power to:

- Enter into contracts;
- Sue and be sued;
- Acquire, hold, and convey real and personal property;
- Make and adopt rules and regulations for the administration of the District;
- Lease a site or sites and lease a building or building for the library purposes;
- Acquire material and equipment deemed necessary by the Board for the maintenance and extension of modern library service;
- Employ librarians and such other employees as the Board deems necessary;
- Establish and maintain a library and traveling library service within the District or within any other municipality with which service contract arrangements have been made;
- Contract with other libraries or the governing body of a municipality for the furnishing of library services to the residents of the municipality and contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;
- Receive, accept, and administer any moneys appropriated or granted to the District by the state or federal government;
- Receive and accept any gift or donation to the District and administer the same; and

- Make annual reports to the State Librarian, on or before January 31 each year, concerning receipts and disbursements from all funds and statistical information related to library materials acquired or on hand, number of library users, library services available, and other information the governing body requires.

The bill would require library facilities to be free to use by District residents, subject to reasonable rules and regulations as the Board may adopt. The bill would authorize the Board to bar any individual who willfully violates the rules. The Board would be allowed to establish a fee for nonresidents to use library facilities. The Board could also exchange books with any other library by such terms as the board prescribes.

The bill would authorize the Board to issue general obligation bonds for the purpose of paying the cost of constructing, reconstructing, repairing, remodeling, furnishing, and equipping any library building or additions. General obligation bonds would be the responsibility of the District and not the City of Eudora or the Eudora Township. The bill would require the question of issuing general obligation bonds be submitted to qualified electors of the District.

The Board would be required to prepare and publish an annual budget.

The Board would be authorized to levy a tax, not to exceed five mills on all tangible property in the District, to fund the District budget. The tax levy would not be considered a tax levy of the City of Eudora or the Eudora Township. The Board would have the authority to increase the mill levy for the acquisition, maintenance, and support of a free public library by adoption of a resolution. The bill would require this resolution to be required to be published once a week for two weeks in a county newspaper. The bill would require an election to approve the increase of the mill levy if, within 30 days after the last publication of the resolution, a petition

signed by at least 5.0 percent of qualified electors in the District is filed in the office of the county election officer requesting an election on the mill levy increase.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by Senator Holland.

In the Senate Committee on Ethics, Elections and Local Government hearing, the President of the Eudora Township Public Library Board of Trustees, the Eudora Township Board Treasurer, the City Manager of the City of Eudora, and a member of the Library Steering Committee provided proponent testimony. Proponents generally stated the bill would correct an unintended consequence of the City of Eudora changing from a city of the third class to a city of the second class, thereby no longer considered to be within the township, and would allow the community library to continue its service to the community by clarifying its governance, simplifying the funding mechanisms, and ensuring equal and adequate representation for all residents on the library board of directors.

Written-only proponent testimony was submitted by the mayor of the City of Eudora, a Douglas County Commissioner, three members of the Eudora Township Public Library Board, two members of the Eudora Library Steering Committee, a member of the Eudora Public Library Board, the superintendent of the Eudora Unified School District 491, a member of the Heartland Committee to Promote Lifelong Readers, the president and CEO of the Kaw Valley State Bank, a representative of the League of Kansas Municipalities, and several private citizens. Copies of resolutions in support of the bill from the governing bodies of the City of Eudora, the Board of the Eudora Township Public Library, and Eudora Township also were provided.

No neutral or opponent testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

According to the fiscal note prepared by the Division of the Budget, enactment of the bill would have no fiscal effect on state revenues or expenditures or on Kansas municipalities.