

1 **As Amended by House Committee**

2
3 **[As Amended by Senate Committee of the Whole]**

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5 **As Amended by Senate Committee**

6 *Session of 2002*

7
8 **SENATE BILL No. 550**

9
10 By Committee on Elections and Local Government

11
12 2-8

13
14 ~~AN ACT creating the Independence area library district. [AN ACT con-~~
15 ~~cerning certain libraries; relating to the powers, duties and func-~~
16 ~~tions thereof; amending K.S.A. 12-1226 and repealing the existing~~
17 ~~section.]~~

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 **[Section 1. K.S.A. 12-1226 is hereby amended to read as fol-**
21 **lows: 12-1226. (a) Except as provided by subsection (b) this section,**
22 **the treasurer of the library board shall give bond, in an amount**
23 **fixed by the board and approved by the governing body of the mu-**
24 **nicipality, for the safekeeping and due disbursement of all funds**
25 **that may come into the treasurer's hands. The bonds shall be filed**
26 **with the clerk of the municipality. Except where otherwise provided**
27 **by law, the treasurer of the municipality shall pay over to the trea-**
28 **surer of the library board all funds collected for the maintenance**
29 **of the library, and the treasurer of the library board shall pay out**
30 **the funds on orders of the board signed by the secretary and chair-**
31 **person thereof. Such treasurer shall keep an accurate record of all**
32 **moneys received and disbursed thereby and make a report thereof**
33 **to the library board monthly, or as often as the board requires.**

34 **[(b) In Johnson county, the treasurer of the library board shall**
35 **give bond, in an amount fixed by the library board and approved**
36 **by the board of county commissioners for the safekeeping and due**
37 **disbursement of all funds that may come into the treasurer's hands.**
38 **The bond shall be filed with the county clerk. Except where other-**
39 **wise provided by law, the treasurer of the library board shall pay**
40 **over to the county treasurer all funds collected for the maintenance**
41 **of the library, with the exception of gifts and nongovernmental**
42 **grants. The treasurer of the library board shall keep an accurate**
43 **record of all moneys received along with its source and those mon-**

1 *neys disbursed to the county treasurer. The funds of such library*
2 *board in the hands of the county treasurer shall be maintained in*
3 *a separate library fund and any interest payable thereon shall be*
4 *added to that fund. The administration of such fund shall be with*
5 *the county treasurer who shall pay out moneys from the fund upon*
6 *orders signed by the chairperson of the board of county commis-*
7 *sioners and the county clerk or their designees.*

8 *[(c) In Wyandotte county, the director of revenue of the unified gov-*
9 *ernment shall not pay over to the treasurer of the library board moneys*
10 *collected for the maintenance of the library. The director of revenue shall*
11 *maintain such moneys in a separate library fund. Any interest attributable*
12 *to library moneys shall be deposited in the library fund. All moneys from*
13 *gift, grants, donations or bequests to the library also shall be deposited in*
14 *the library fund. The director of revenue shall administer the library fund*
15 *and shall pay out moneys from the library fund, upon approval of the*
16 *library board, and on orders signed by the chairperson and the treasurer*
17 *of the library board or other authorized officers of the library board.]*

18 ~~Section 1.~~ **[New Sec. 2.]** When used in this act and unless otherwise
19 specifically provided therein:

20 (a) “Board of education” means the board of education of unified
21 school district no. 446;

22 (b) “county” means Montgomery county;

23 (c) “city” means the city of Independence, Kansas;

24 (d) “library district” means all territory located within the boundaries
25 of unified school district no. 446 **and within Montgomery County,**
26 **Kansas;**

27 (e) “board” means the library board of trustees appointed pursuant
28 to the provisions of this act;

29 (f) “library” means a library which serves the general public and is
30 supported in whole or in part with tax money and shall be called the
31 Independence area public library;

32 (g) “governing body” means the governing body of the city of Inde-
33 pendence, Kansas or the board of county commissioners of Montgomery
34 county, Kansas; and

35 (h) “maintenance and support” means the general and usual cost and
36 expense of operating a library.

37 ~~Sec. 2.~~ **[New Sec. 3.]** (a) The board of trustees of the Independence
38 public library may adopt a resolution proposing to create a library district.
39 A copy of such resolution shall be filed with the county election officer
40 who shall call and hold an election thereon. Such election shall be called
41 and held in the manner provided by the general bond law.

42 (b) If a majority of the qualified electors of the proposed library dis-
43 trict on the proposition vote in favor thereof:

1 (1) A library shall be established and maintained and a library board
2 shall be appointed as provided in this act;

3 (2) all contracts entered into by the board of directors of the Inde-
4 pendence public library shall be binding on the library board appointed
5 pursuant to this act; and

6 (3) all outstanding bonds, debts and other obligations of the Inde-
7 pendence public library shall become an obligation of the Independence
8 area public library except that all bonds and debts relating to the own-
9 ership or improvement of the real property in which the Independence
10 public library operates shall remain an obligation of the city of Indepen-
11 dence, Kansas.

12 ~~Sec. 3.~~ **[New Sec. 4.]** (a) Any library district created pursuant to the
13 provisions of section 2, and amendments thereto, shall be governed by a
14 board of trustees. Such board shall consist of ~~10~~ ~~seven~~ **nine** members.
15 ~~Seven~~ **Four** members shall be appointed by the governing body of the
16 city of Independence, Kansas and shall be residents of the city. Two
17 members shall be appointed by the board of education. Members ap-
18 pointed by the board of education shall be residents of the library district,
19 who reside outside the corporate limits of the city of Independence but
20 within the boundaries of unified school district no. 446. One member
21 shall be appointed by the governing body of the city of Elk City, Kansas.
22 **Two members shall be appointed by the board of county commis-**
23 **sioners. Of the members appointed by the board of county commis-**
24 **sioners one shall be selected from a list of at least two nominees**
25 **submitted to the board by the Montgomery county farm bureau**
26 **and one shall be selected from a list of at least two nominees sub-**
27 **mitted to the board by the Montgomery county conservation**
28 **district.**

29 (b) Members of the board of directors of the Independence public
30 library serving prior to the election creating the library district shall con-
31 tinue on the board until the expiration of the term for which originally
32 appointed. Such members shall be eligible for reappointment. The board
33 of education shall appoint two members to the library board within 60
34 days following the election approving the creation of the district. Such
35 members appointed by the board of education and the member appointed
36 by the governing body of the city of Elk City, Kansas shall serve for terms
37 expiring the second April 30 following the date of appointment. Upon
38 expiration of the terms of such members, succeeding members shall be
39 appointed for terms of four years.

40 (c) Except as provided by this section, members of the library board
41 shall be appointed for terms of four years and until their successors are
42 appointed and qualified. Vacancies on the library board shall be filled by
43 appointment for the unexpired term.

1 (d) Members of the library board shall receive no compensation but
2 shall be paid their actual and necessary expenses in attending meetings
3 and in carrying out their duties as members of the board.

4 ~~Sec. 4.~~ **[New Sec. 5.]** The board shall constitute a body corporate
5 and politic, possessing the usual powers of a corporation for public pur-
6 poses, under the name and style of “the board of trustees of the Inde-
7 pendence area public library” and under such name may contract, sue
8 and be sued and acquire, hold and convey personal property in accord-
9 ance with law.

10 ~~Sec. 5.~~ **[New Sec. 6.]** (a) Each year the members of a library board
11 shall meet and organize by the election of a chairperson, a secretary and
12 a treasurer and such other officers as they may deem necessary. The board
13 shall fix the date and place of its regular meetings and special meetings
14 may be called by the chairperson or upon written request of a majority
15 of the members. Written notice, stating the time and place of any special
16 meeting and the purpose for which called, unless waived, shall be given
17 to each member of the board at least two days in advance of such meeting,
18 and no business other than that stated in the notice shall be transacted
19 at such meeting.

20 (b) The treasurer of the library board shall give bond, in an amount
21 fixed by the board and approved by the governing body of the city and
22 the board of education, for the safekeeping and due disbursement of all
23 funds that may come into the treasurer’s hands. The bond shall be filed
24 with the county clerk. Except where otherwise provided by law, the
25 county treasurer shall pay over to the treasurer of the library board all
26 funds collected for the maintenance of the library, and the treasurer of
27 the library board shall pay out the funds on orders of the board signed
28 by the secretary and chairperson thereof. Such treasurer shall keep an
29 accurate record of all moneys received and disbursed thereby and make
30 a report thereof to the library board monthly, or as often as the board
31 requires.

32 ~~Sec. 6.~~ **[New Sec. 7.]** The library shall be free for the use of the
33 residents of the library district, subject always to such reasonable rules
34 and regulations as the library board may adopt. The library board may
35 exclude from the use of the library any and all persons who shall willfully
36 violate such rules. The library board may extend the use and privilege of
37 such library to nonresidents of the district, charge nonresidents a reason-
38 able fee therefor and make exchanges of books with any other library
39 upon such terms and conditions as the library board may from time to
40 time by its regulations prescribe.

41 ~~Sec. 7.~~ **[New Sec. 8.]** The library board shall have the power:

42 (a) To make and adopt rules and regulations for the administration
43 of the library;

1 (b) to lease a site or sites and to lease a building or buildings for the
2 use of the library;

3 (c) to acquire by purchase, gift or exchange, books, magazines, pa-
4 pers, printed materials, slides, pictures, films, projection equipment, pho-
5 nograph records and other material and equipment deemed necessary by
6 the board for the maintenance and extension of modern library service;

7 (d) to employ a librarian and such other employees as the board
8 deems necessary and to remove such employees and to fix their
9 compensation;

10 (e) to establish and maintain a library or libraries and traveling library
11 service within the district or within any other municipality with which
12 service contract arrangements have been made;

13 (f) to contract with other libraries or with the governing body of a
14 municipality for the furnishing of library service to the inhabitants of such
15 municipality to the extent and upon such terms as may be agreed upon,
16 and to contract with any school board to furnish library service to any
17 school library or to use the library facilities of the public school to sup-
18 plement the facilities of the public library;

19 (g) to receive, accept and administer any money appropriated or
20 granted to it by the state or the federal government or any agency or
21 subdivision thereof for the purpose of aiding or providing library service;

22 (h) to receive and accept any gift or donation to the library and ad-
23 minister the same in accordance with any provisions thereof. If no pro-
24 visions are specified, the board shall have the power to hold, invest or
25 reinvest the gift and any dividends, interest, rent or income derived from
26 the gift in the manner the board deems will best serve the interests of
27 the library;

28 (i) to receive and accept any grant, gift, donation or appropriated or
29 other funds from the United States government, or its agencies, or any
30 other source whatsoever for the purposes of the library district established
31 under this act;

32 (j) to make annual reports to the state librarian and the governing
33 body of the city of Independence and board of education on or before
34 January 31 of each year for the preceding calendar year, showing receipts
35 and disbursements from all funds under its control, and showing such
36 statistical information relating to library materials acquired and on hand,
37 number of library users, library services available, and other information
38 of general interest as the governing body requires; and

39 (k) to place money received from sources other than a tax levy for
40 library purposes in a separate fund or funds or in the fund to which the
41 tax levy money is credited unless the grantor or donor directs how and
42 for what purpose the money shall be handled and spent.

43 ~~Sec. 8.~~ **[New Sec. 9.]** (a) The library board shall prepare an annual

1 budget for the maintenance, support and operation of the library. Prior
2 to the certification of its budget to the board of education, the library
3 board shall meet for the purpose of answering and hearing objections of
4 taxpayers relating to the proposed budget and for the purpose of consid-
5 ering amendments to such proposed budget. The library board shall give
6 at least 10 days' notice of the time and place of the meeting by publication
7 in a weekly or daily newspaper having a general circulation in the taxing
8 district. Such notice shall include the proposed budget and shall set out
9 all essential items in the budget except such groupings as designated by
10 the director of accounts and reports on a special publication form pre-
11 scribed by the director of accounts and reports and furnished with the
12 regular budget form. The public hearing required to be held herein shall
13 be held not less than 10 days prior to the date on which the library board
14 is required to certify its budget to the board of education. After such
15 hearing, the budget shall be adopted or amended and adopted by the
16 library board. In order to provide funds to carry out the provisions of this
17 act, the library board shall annually, not later than August 1 of any year,
18 certify its budget to the board of education which shall levy a tax ~~at a rate~~
19 ~~of not to exceed 1.2 mills~~ on all the taxable tangible property within the
20 taxing district. **Such levy shall not exceed the maximum amount**
21 **which may be levied by a system board under K.S.A. 75-2550, and**
22 **amendments thereto.** Each year a copy of the budget adopted by the
23 library board shall be filed with the clerk of the board of education. A
24 copy of such budget also shall be filed with the county clerk of Montgom-
25 ery County, Kansas. The board of education shall not be required to levy
26 a tax in excess of the maximum tax levy set by the board of education by
27 current resolution. ~~Whenever the library board determines that the tax~~
28 ~~currently being levied for the library, as previously established by the~~
29 ~~board of education, is insufficient to operate the library and the library~~
30 ~~board desires to increase the mill levy above the current levy, the library~~
31 ~~board may request that the board of education authorize an increase by~~
32 ~~adopting a resolution declaring it necessary to increase the annual levy.~~
33 ~~The board of education may authorize the increase by resolution, but~~
34 ~~such increase shall not exceed .25 mill per year.~~

35 (b) Any resolution adopted under subsection (a) shall state the total
36 amount of the tax to be levied for the library board and shall be published
37 once each week for two consecutive weeks in the official newspaper of
38 the taxing district. Whereupon, such annual levy in an amount not to
39 exceed the amount stated in the resolution may be made for the ensuing
40 budget year and each successive budget year unless a petition requesting
41 an election upon the proposition to increase the tax levy in excess of the
42 current tax levy, signed by at least 5% of the qualified voters of the taxing
43 district, is filed with the county election officer within 30 days following

1 the date of the last publication of the resolution. In the event a valid
2 petition is filed, no such increased levy shall be made without such prop-
3 osition having been submitted to and having been approved by a majority
4 of the voters of the taxing district voting at an election called and held
5 thereon. All such elections shall be called and held in the manner pro-
6 vided by the general bond law, and the cost of the election shall be borne
7 by the library board. Such taxes shall be levied and collected in like man-
8 ner as other taxes, which levy the board of education shall certify, on or
9 before August 25 of each year, to the county clerk who is hereby author-
10 ized and required to place the same on the tax roll of the county to be
11 collected by the county treasurer and paid over by the county treasurer
12 to the treasurer of the library board.

13 (c) The tax levy provided in this section shall not be considered to be
14 a levy of the board of education, the city or county school district under
15 any of the statutes of this state, but shall be in addition to all other levies
16 authorized or limited by law.

17 (d) At any time after the making of the first tax levy pursuant to this
18 act, the amount of such tax levy may be reduced by a majority of the
19 voters of the taxing district voting at an election called pursuant to a
20 petition **signed by at least 10% of the qualified voters residing in the**
21 **taxing district** and conducted in the same manner as that prescribed by
22 subsection (b). If the petition submitted is for the purpose of reducing
23 the mill levy, it shall state the mill levy reduction desired. Upon revoca-
24 tion, all property and money belonging to the library board shall become
25 the property of the ~~taxing authority levying the tax for the library board~~
26 **the city of Independence, Kansas**, and the library district shall be
27 dissolved.

28 (e) All financial records of the library board shall be audited as pro-
29 vided in K.S.A. 75-1122, and amendments thereto, and a copy of such
30 annual audit report shall be filed with the board of education. A copy of
31 such audit also shall be filed with the county clerk of the county in which
32 the library is located. The cost of each audit shall be borne by the library
33 board.

34 (f) Notwithstanding any other provision of law, upon the date the tax
35 levy provided for in this act takes effect, no tax levy on land within the
36 library district created by this act shall be imposed, required or collected
37 to support a regional system of cooperating libraries.

38 ~~Sec. 9.~~ **[New Sec. 10.]** Sections ~~± 2~~ through 9 shall be known and
39 may be cited as the Independence area library district act.

40 **[Sec. 11. K.S.A. 12-1226 is hereby repealed.]**

41 ~~Sec. 10.~~ **[12.]** This act shall take effect and be in force from and
42 after its publication in the statute book.