

SENATE BILL No. 67

AN ACT concerning libraries; creating the state library of Kansas board and providing for the powers and duties thereof; abolishing the state library advisory commission and the Kansas library network board; amending K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2552, 75-2576 and 75-2577 and K.S.A. 2006 Supp. 75-2551, 75-2562 and repealing the existing sections; also repealing K.S.A. 75-2578, 75-2579, 75-2580, 75-2581, 75-2582, 75-2583, 75-2584 and 75-2586.

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

Section 1. K.S.A. 75-2546 is hereby amended to read as follows: 75-2546. ~~There is hereby established a state library advisory commission which shall consist of eight members. One member of the commission shall be the state librarian who shall be an ex officio member but shall not be a voting member. The other seven members of the commission shall be appointed by the governor. One member shall be a representative librarian from one of the state educational institutions under the control and supervision of the state board of regents and one member shall be a qualified member of the Kansas federation of women's clubs. No member shall be appointed to more than two consecutive terms. Terms of appointive members of the commission shall be for four years and shall expire on June 30 of the year in which the respective terms expire. All members shall be interested in promoting the establishment and developing of publicly supported free library services in the state and encouraging development of libraries of all types.~~

~~The commission shall consult and advise with the state librarian from time to time and suggest or recommend to the governor and the state librarian policies, management and services that will best promote and advance the use and usefulness of the state library and its extension services for the residents of the state. The commission (a) There is hereby created the state library of Kansas board, which shall consist of 14 members as follows:~~

~~(1) Seven members shall be professional librarians appointed by the governor. The professional organizations representing the following types of librarians shall each submit a list of three nominees for appointment to the board and the governor shall appoint one member from each such list: (A) Public librarians; (B) school librarians; (C) regents' librarians; (D) community college librarians; (E) private college librarians; (F) regional library systems librarians; and (G) special librarians. It shall be the responsibility of the state librarian to collect the names of nominees from the professional organizations of the librarians and to transmit them to the governor.~~

~~(2) Four members shall be appointed by the governor as follows: (A) One member who is a trustee of a public library; (B) two members representing the general public; and (C) one member who shall be a qualified member of the Kansas federation of women's clubs.~~

~~(3) Three members shall be members ex officio and shall not be entitled to vote. Such members shall be: (A) The executive officer of the board of regents or the designee of the executive officer; (B) the commissioner of education or the designee of the commissioner; and (C) the state librarian.~~

~~(b) Each appointed member of the board shall serve for a term of four years and until a successor is appointed and qualifies except members first appointed to the board shall serve the following terms, as designated by the governor: Three shall serve for terms of four years, three for terms of three years, two for terms of two years and three for terms of one year. The appointed members of the board shall not serve more than two consecutive four-year terms.~~

~~(c) It shall be the duty of the governor to make appointments in the manner provided by subsection (a) to fill vacancies on the board as they occur. Any person appointed to a vacancy shall serve for the unexpired term until a successor is appointed and qualifies.~~

~~(d) The board shall organize annually by electing a chairperson and a vice-chairperson. The vice-chairperson shall preside at meetings in the absence of the chairperson. The state librarian shall serve as secretary of the commission. The commission shall hold quarterly meetings and other meetings which may be called by the secretary. The commission shall meet upon request of a majority of the members of the commission. board. The board shall meet at least quarterly and at such other times as meetings are called by the secretary.~~

~~(e) The board shall:~~

(1) *Advocate for statewide library services and resources, encouraging cooperation among libraries and promoting and encouraging innovative library services;*

(2) *advise and counsel the state librarian on policies and management and the state library strategic plan;*

(3) *review and approve the annual plans of regional systems of cooperating libraries;*

(4) *promote collaboration with the state board of regents to ensure the inclusion of libraries on the KAN-ED network and the continued availability of statewide library reference resources;*

(5) *perform such other duties and functions as provided by law; and*

(6) *recommend statewide priorities for interlibrary cooperation and resource sharing.*

(f) Members of the ~~state library advisory commission~~ *board* attending meetings of the ~~commission board~~, or attending a subcommittee meeting thereof authorized by the ~~commission board~~, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto. Amounts paid under this section shall be paid from appropriations to the state library upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state librarian or a person designated by the state librarian.

New Sec. 2. (a) The state library advisory commission established by K.S.A. 75-2546, and amendments thereto, and the Kansas library network board established by K.S.A. 75-2578, and amendments thereto, are hereby abolished. Except as otherwise provided by this act, all powers, duties and functions of the existing commission and board are hereby transferred to and imposed upon the state library of Kansas board.

(b) Except as otherwise provided by this act, the state library of Kansas board shall be the successor in every way to the powers, duties and functions of the state library advisory commission and the Kansas library network board in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the state library of Kansas board shall be deemed to have the same force and effect as if performed by the state library advisory commission or the Kansas library network board in which the powers, duties and functions were vested prior to the effective date of this act.

(c) Whenever the state library advisory commission or the Kansas library network board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state library of Kansas board established by this act.

(d) On the effective date of this act, any officer or employee who was an officer or employee of the state library advisory commission or the Kansas library network board and who immediately prior to the effective date of this act was engaged in the performance of the same or similar powers, duties and functions which are transferred to or imposed upon the state library of Kansas board or the state librarian by this act and who, in the opinion of the state librarian, is necessary to perform such powers, duties and functions shall become an officer or employee of the state librarian and shall retain all retirement benefits which such officer or employee had before the effective date of this act and the officer's or employee's services shall be deemed to have been continuous. Any classified employee so transferred shall retain the employee's status as a classified employee.

(e) The balances of all funds or accounts thereof appropriated or reappropriated for the state library advisory commission or the Kansas library network board are hereby transferred within the state treasury to the state librarian and shall be used only for the purpose for which the appropriation was originally made. Liability for all accrued compensation or salaries of officers and employees who are transferred to the state librarian under this act shall be assumed and paid by the state librarian.

(f) All books, records and other property of the state library advisory commission or the Kansas library network board are hereby transferred to and become the property of the state library of Kansas board.

(g) All rules and regulations of the state library advisory commission or the Kansas library network board in existence on the effective date of

this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the state library of Kansas board established by this act until revised, amended, revoked or nullified pursuant to law.

(h) All orders and directives of the state library advisory commission or the Kansas library network board in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state library of Kansas board established by this act until revised, amended or nullified pursuant to law.

Sec. 3. K.S.A. 75-2548 is hereby amended to read as follows: 75-2548. As used in this act, unless the context otherwise requires:

(a) “Board” means the library board of any library established or operating under authority of the laws of Kansas.

(b) “Participating board” or “participating library” means a board or library or district that is cooperating and participating in a regional system of cooperating libraries.

(c) “Regional system of cooperating libraries” means two or more libraries cooperating in a system approved by the state ~~commission board~~ and officially designated as a regional system of cooperating libraries under this act.

(d) “System board” means the governing board comprised of representatives of libraries in a regional system of cooperating libraries, and which is authorized by this act to direct and plan library service for a regional system to the extent and in the manner provided by this act.

(e) “Library” may include school, community junior college, college or university libraries to the extent authorized by rules and regulations of the state ~~commission board~~, but does not include law libraries.

(f) “State ~~commission board~~” means the state library ~~advisory commission of Kansas board~~.

(g) “System librarian” means a person (not a state officer or employee) who has been certified by the state ~~commission board~~ as being qualified by education or experience to perform duties as a librarian for a regional system of cooperating libraries, and who shall attend system board meetings but shall not be a voting member thereof.

Sec. 4. K.S.A. 75-2549 is hereby amended to read as follows: 75-2549. Any one or more boards, may petition the state ~~commission board~~ for establishment of a regional system of cooperating libraries comprised of territory which includes one or more counties, except territory supporting a library regularly subject to a tax levy of ~~one-fourth (1/4)~~ .25 mill or more shall be excluded from the proposed regional system upon request of the governing body of the district making such levy. Such petition shall be prepared in cooperation with the state librarian on forms provided by him or her. 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) A statement of purpose for establishment of the proposed system and an outline of the proposed program of the system.

(b) A list of the counties to be included in the proposed regional system of cooperating libraries and any exclusions therefrom.

(c) 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) Letters or resolutions from each of the boards of participating libraries indicating the interest and attitude of such board toward establishment of the regional system of cooperating libraries.

(e) A list of the current budgets of each participating library showing items for library material and personnel for each such budget.

(f) Indication of local support appropriate to the operation of the proposed regional system of cooperating libraries.

(g) The number of persons to be served by the system, showing those presently within the taxing districts supporting one of the participating libraries, and those persons not within such a district.

(h) Such other information as may be requested by the state librarian.

Sec. 5. K.S.A. 75-2549b is hereby amended to read as follows: 75-2549b. The following regional systems of cooperating libraries are hereby validated and established with names and territory, except territory ex-

cluded pursuant to law as specified by the state ~~commission~~ board, as follows:

Northwest Kansas Library System, comprised of the counties of Trego, Gove, Logan, Wallace, Graham, Sheridan, Thomas, Sherman, Norton, Decatur, Rawlins, and Cheyenne.

Central Kansas Library System, comprised of the counties of Phillips, Rooks, Ellis, Rush, Pawnee, Smith, Osborne, Russell, Barton, Jewell, Mitchell, Lincoln, Ellsworth, Republic, Cloud, Ottawa, and Saline.

North Central Library System, comprised of the counties of Washington, Clay, Dickinson, Marion, Marshall, Riley, Pottawatomie, Geary, Wabunsee, Morris, Chase, and Lyon.

Southeast Kansas Library System, comprised of the counties of Greenwood, Elk, Chautauqua, Coffey, Woodson, Wilson, Montgomery, Anderson, Allen, Neosho, Labette, Linn, Bourbon, Crawford, and Cherokee.

South Central Kansas Library System, comprised of the counties of Kiowa, Stafford, Pratt, Barber, Rice, McPherson, Reno, Harvey, Kingman, Harper, Sedgwick, Sumner, Butler, and Cowley.

Northeast Kansas Library System, comprised of the counties of Nemaha, Jackson, Shawnee, Osage, Brown, Doniphan, Atchison, Jefferson, Leavenworth, Wyandotte, Douglas, Johnson, Franklin, and Miami.

Southwest Kansas Library System, comprised of the counties of Greeley, Hamilton, Stanton, Morton, Wichita, Kearny, Grant, Stevens, Scott, Lane, Ness, Finney, Hodgeman, Gray, Ford, Haskell, Seward, Meade, Clark, Edwards, and Comanche.

Sec. 6. K.S.A. 75-2550 is hereby amended to read as follows: 75-2550. The system board shall consist of one or more representatives selected by each of the boards participating in the regional system, and one or more representatives appointed by the governor to represent territory not within the district of participating library board but within the territory of the regional system of cooperating libraries. The petition provided for in K.S.A. 75-2549, *and amendments thereto*, may propose the number of representatives of each such board, but the determination thereof shall be made by the state ~~commission~~ board when approving such petition. The state ~~commission~~ board shall consider any petition presented to it as provided in this act and if it approves such petition it shall adopt a resolution officially designating such particular regional system of cooperating libraries and describing the territory thereof which shall include one or more counties but shall exclude the territory of any taxing district which regularly levies ~~one-fourth (1/4)~~ .25 or more mills of tax for the support of a public library upon the request of the governing body of the district making such levy. Any district so excluded may later petition to be added to and included in the regional system of cooperating libraries from which it was excluded and such petition shall be prepared and processed as other petitions provided for by this act. Additional counties may be added to the territory of any regional system of cooperating libraries upon petition by a library board located in such county and such a petition shall be prepared and processed as is provided in this act for initial petitions; except that the prior approval in writing of a petition under this sentence shall be obtained by the petitioning board from the regional board and attached to the petition when submitted to the state ~~commission~~ board. Within two (2) weeks after receiving notice of approval of a petition provided for under this act the board of each participating library and the governor shall select the number of representatives determined by the state ~~commission~~ board and shall certify the names and addresses of such representatives to the state librarian. The term of each such representative may be proposed in the petition provided under K.S.A. 75-2549, *and amendments thereto*, but shall not exceed four years, and the final determination of duration of terms shall be made by the state ~~commission~~ board at the time of approval of the petition.

Any taxing district which regularly levies ~~one-fourth~~ .25 mill or more of tax for the support of a public library, and which taxing district has been included in a regional system, may petition to be excluded from the regional system. Such petition shall be made and presented to the state ~~commission~~ board. The state ~~commission~~ board shall consider any such petition and if such taxing district meets the requirement for making such a petition and if excluding such taxing district from the regional system will do no manifest harm thereto, the state ~~commission~~ board may enter

its order excluding and detaching such taxing district from the regional system and making such adjustment to the organization of such regional system as may be appropriate to continue the operation of the regional system without interruption.

The system board shall have the authority and power to (1) operate a system of library service to and for participating libraries, (2) the system board may purchase service from a participating library for the benefit of the regional system of cooperating libraries, (3) the system board may contribute to or receive contribution from any participating library, and may receive and utilize any gift of funds or property donated to the regional system of cooperating libraries, (4) the system board may contract with any one or more participating libraries and the board of each participating library is hereby authorized to contract with the system board or with any one or more other boards, but any such contract shall provide that the same shall not take effect until approved by the state librarian, (5) the system board may contract with any other system board or any board, but any such contract shall provide that the same shall not take effect until approved by the state librarian, and (6) employ a system librarian and such other persons as the regional board may find convenient or necessary.

Sec. 7. K.S.A. 75-2550a is hereby amended to read as follows: 75-2550a. Subject to rules and regulations of the state ~~commission~~ board, any system board may provide for the selection of an executive board to which it may delegate any or all of its legal functions except adoption of annual budget.

Sec. 8. K.S.A. 2006 Supp. 75-2551 is hereby amended to read as follows: 75-2551. Federal funds for public library service made available to the state which are administered by the state librarian or state ~~commission~~ board may be used in support of any one or more regional system of cooperating libraries within the provisions of such federal legislation. The use of funds of any regional system of cooperating libraries shall be established by the system board by contracts with boards of participating libraries, or otherwise.

Participating boards shall have the power and are hereby authorized to pay for services purchased from the system board.

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

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

Each system board is hereby authorized to levy not in excess of  $\frac{3}{4}$  mill of tax to be used for library purposes on all of the taxable property within the boundaries of the regional system of cooperating libraries that is not within a district supporting a library with funds of the district.

Sec. 9. K.S.A. 75-2552 is hereby amended to read as follows: 75-2552. The state ~~commission~~ board shall adopt rules and regulations establishing standards for (1) approval of regional system petitions, (2) review and amendment of regional system plans, (3) certification of system librarians, and (4) such other matters as the state ~~commission~~ board may deem advisable.

Sec. 10. K.S.A. 2006 Supp. 75-2562 is hereby amended to read as follows: 75-2562. The state librarian shall be vested with the authority to apply for and receive any grants or other funds for library purposes, from the federal government or any agency thereof and shall be authorized to enter into any agreement necessary on behalf of the state to receive such grants or funds. All amounts received under this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the

state library fund and shall be distributed in accordance with this act and appropriation acts of the legislature upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state librarian or a person or persons designated by the state librarian. Amounts distributed under this section shall be distributed by the state librarian. Amounts distributed under this section shall be distributed in accordance with any applicable requirements of federal statutes or other federal law, however, to the extent not prohibited by federal statutes or other federal law, such distributions shall be made from time to time in accordance with the formula prescribed in K.S.A. 75-2555, and amendments thereto. The ~~library advisory commission~~ *state library of Kansas board* established under K.S.A. 75-2546, and amendments thereto, may adopt such plan as is required by federal statutes or other federal law relating to distribution of moneys under this section, and such plan shall be consistent with the requirements of this section to the extent authorized by federal statutes and other federal law. Vouchers approved by the state librarian under this section shall make distribution in accordance with any such plan and the requirements of this section. Nothing in this act shall be deemed to prohibit any local public library from making independent application to any federal agency for federal funds, and such applications by local public libraries are hereby authorized, and any federal funds received exclusively pursuant to such an application by a local public library may be expended without regard to the limitations of this act, and entitlements to grants-in-aid or federal moneys under this act shall not be reduced because of any funds so received.

Sec. 11. K.S.A. 75-2576 is hereby amended to read as follows: 75-2576. As used in this act, unless the context otherwise requires:

(a) “Board” means the ~~Kansas library network board~~ *state library of Kansas board* created by this act;

(b) “Regional systems of cooperating libraries” means the regional systems of cooperating libraries created under authority of K.S.A. 75-2547 ~~to 75-2552, inclusive~~ *through 75-2552*, and amendments thereto;

(c) “Systems librarians” means the chief officers of the regional systems of cooperating libraries;

(d) “Public libraries” means libraries operated under the provisions of K.S.A. 12-1215 ~~to 12-1248, inclusive~~ *through 12-1248*, and amendments thereto;

(e) “Public librarians” means the chief officers of the public libraries;

(f) “State library” means the Kansas state library created and operating under authority of K.S.A. 75-2534, *and amendments thereto*.

(g) “State librarian” means the chief officer thereof, appointed pursuant to K.S.A. 75-2535, *and amendments thereto*.

(h) “Regents’ librarians” means the chief officers of the libraries at institutions operated by the Kansas state board of regents;

(i) “School librarians” means the chief officers of libraries operated by unified school districts;

(j) “Community college librarians” means chief officers of libraries operated by community colleges established pursuant to K.S.A. 71-1401 through 71-1420, ~~inclusive~~, and amendments thereto;

(k) “Private college librarians” means chief officers of libraries operated by accredited independent institutions as defined in K.S.A. 72-6107, *and amendments thereto*, and the chief officer of the library operated by Washburn university of Topeka;

(l) “Special librarians” means the chief officers of all other publicly supported and private libraries, including special purpose libraries and archives located in Kansas;

(m) “Library network” means an organization of types of libraries interconnected to achieve their common purposes through cooperative use of communications, computer technology, library and human resources.

Sec. 12. K.S.A. 75-2577 is hereby amended to read as follows: 75-2577. One of the functions of the state library shall be to provide programs of interlibrary cooperation under the direction and supervision of the ~~Kansas library network board~~.

Sec. 13. K.S.A. 75-2546, 75-2548, 75-2549, 75-2549b, 75-2550, 75-2550a, 75-2552, 75-2576, 75-2577, 75-2578, 75-2579, 75-2580, 75-2581,

75-2582, 75-2583, 75-2584 and 75-2586 and K.S.A. 2006 Supp. 75-2551 and 75-2562 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*