

HOUSE BILL No. 2714

By Representative Judd-Jenkins

2-7

1 AN ACT creating the Arkansas City library district.

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

4 Section 1. When used in this act and unless otherwise specifically
5 provided therein:

6 (a) "Board of education" means the board of education of unified
7 school district no. 470;

8 (b) "county" means Cowley county;

9 (c) "city" means Arkansas City, Kansas;

10 (d) "library district" means all territory located within the boundaries
11 of unified school district no. 470 and within Cowley county, Kansas;

12 (e) "board" means the library board of trustees appointed pursuant to
13 the provisions of this act;

14 (f) "library" means a library that serves the general public and is
15 supported in whole or in part with tax moneys and shall be called the
16 Arkansas City area public library;

17 (g) "governing body" means the governing body of the city of
18 Arkansas City, Kansas, or the board of education of unified school district
19 no. 470; and

20 (h) "maintenance and support" means the general and usual cost and
21 expense of operating a library.

22 Sec. 2. (a) The governing body of the city of Arkansas City and the
23 board of education of unified school district no. 470 may adopt joint
24 resolutions proposing to create a library district. Copies of the resolutions
25 shall be filed with the county election officer, who shall call and hold an
26 election thereon. Such election shall be called and held in the manner
27 provided by the general bond law.

28 (b) If a majority of the qualified electors of the proposed library
29 district on the proposition vote in favor thereof:

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

32 (2) all contracts entered into by Arkansas City public library shall be
33 binding on the library board appointed pursuant to this act; and

34 (3) all outstanding bonds, debts and other obligations of the Arkansas
35 City public library shall become an obligation of the Arkansas City library
36 district, except that all bonds and debts relating to the ownership or

1 improvement of the real property in which the Arkansas City public library
2 operates shall remain an obligation of the city of Arkansas City, Kansas.

3 Sec. 3. (a) Any library district created pursuant to the provisions of
4 this act shall be governed by a board of trustees. Such board shall consist
5 of seven members. Four members shall be appointed by the governing
6 body of the city of Arkansas City, Kansas, and shall be residents of the
7 city. Three members shall be appointed by the board of education. Two
8 Members appointed by the board of education shall be residents of the
9 library district who reside outside the corporate limits of the city of
10 Arkansas City but within the boundaries of unified school district no. 470.

11 (b) Members of the board of directors of the Arkansas City public
12 library serving prior to the election creating the library district shall
13 continue on the board until the expiration of the term for which originally
14 appointed. Such members shall be eligible for reappointment. The board of
15 education shall appoint three members to the library board within 60 days
16 following the election approving the creation of the district.

17 (c) Members of the library board shall be appointed for terms of four
18 years and until their successors are appointed and qualified. Vacancies on
19 the library board shall be filled by appointment for the unexpired term.

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

23 Sec. 4. The board shall constitute a body corporate and politic,
24 possessing the usual powers of a corporation for public purposes and may
25 contract, sue and be sued and acquire, hold and convey personal property
26 in accordance with law.

27 Sec. 5. (a) Each year, the members of a library board shall meet and
28 organize by the election of a chairperson, a secretary and a treasurer and
29 such other officers as they may deem necessary. The board shall fix the
30 date and place of its regular meetings and special meetings may be called
31 by the chairperson or upon written request of a majority of the members.
32 Written notice, stating the time and place of any special meeting and the
33 purpose for which called, unless waived, shall be given to each member of
34 the board at least two days in advance of such meeting, and no business
35 other than that stated in the notice shall be transacted at such meeting.

36 (b) The treasurer of the library board shall give bond, in an amount
37 fixed by the board and approved by the governing body of the city and the
38 board of education, for the safekeeping and due disbursement of all funds
39 that may come into the treasurer's hands. The bond shall be filed with the
40 county clerk. Except where otherwise provided by law, the county
41 treasurer shall pay over to the treasurer of the library board all funds
42 collected for the maintenance of the library, and the treasurer of the library
43 board shall pay out the funds on orders of the board signed by the

1 secretary and chairperson. Such treasurer shall keep an accurate record of
2 all moneys received and disbursed and make a report to the library board
3 monthly, or as often as the board requires.

4 Sec. 6. The library shall be free for the use of the residents of the
5 library district, subject always to such reasonable rules and regulations as
6 the library board may adopt. The library board may exclude from the use
7 of the library any and all persons who shall willfully violate such rules.
8 The library board may extend the use and privilege of such library to
9 nonresidents of the district, charge nonresidents a reasonable fee and make
10 exchanges of books with any other library upon such terms and conditions
11 as the library board may from time to time by its regulations prescribe.

12 Sec. 7. The library board shall have the power:

13 (a) To make and adopt rules and regulations for the administration of
14 the library;

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

17 (c) to acquire by purchase, gift or exchange, books, magazines,
18 papers, printed materials, slides, pictures, films, projection equipment,
19 phonograph records and other material and equipment deemed necessary
20 by the board for the maintenance and extension of modern library services;

21 (d) to employ a librarian and such other employees as the board
22 deems necessary and to remove such employees and to fix their
23 compensation;

24 (e) to establish and maintain a library or libraries and traveling library
25 services within the district or within any other municipality with which
26 service contract arrangements have been made;

27 (f) to contract with other libraries or with the governing body of a
28 municipality for the furnishing of library services to the inhabitants of such
29 municipality to the extent and upon such terms as may be agreed upon,
30 and to contract with any school board to furnish library services to any
31 school library or to use the library facilities of the public school to
32 supplement the facilities of the public library;

33 (g) to receive, accept and administer any moneys appropriated or
34 granted to it by the state or the federal government or any agency or
35 subdivision thereof for the purpose of aiding or providing library services;

36 (h) to receive and accept any gift or donation to the library and
37 administer the same in accordance with any provisions thereof. If no
38 provisions are specified, the board shall have the power to hold, invest or
39 reinvest the gift and any dividends, interest, rent or income derived from
40 the gift in the manner the board deems will best serve the interests of the
41 library;

42 (i) to receive and accept any grant, gift, donation or appropriated or
43 other funds from the United States government, or its agencies, or any

1 other source whatsoever for the purposes of the library district established
2 under this act;

3 (j) to make annual reports to the state librarian and the governing
4 body of the city of Arkansas City and board of education on or before
5 January 31 of each year for the preceding calendar year, showing receipts
6 and disbursements from all funds under its control, and showing such
7 statistical information relating to library materials acquired and on hand,
8 number of library users, library services available, and other information
9 of general interest as the governing body requires; and

10 (k) to place moneys received from sources other than a tax levy for
11 library purposes in a separate fund or funds or in the fund to which the tax
12 levy moneys are credited, unless the grantor or donor directs how and for
13 what purpose the money shall be handled and spent.

14 Sec. 8. (a) The library board shall prepare an annual budget for the
15 maintenance, support and operation of the library. Prior to the certification
16 of its budget to the board of education, the library board shall meet for the
17 purpose of answering and hearing objections of taxpayers relating to the
18 proposed budget and for the purpose of considering amendments to such
19 proposed budget. The library board shall give at least 10 days' notice of the
20 time and place of the meeting by publication in a weekly or daily
21 newspaper having a general circulation in the taxing district. Such notice
22 shall include the proposed budget and shall set out all essential items in the
23 budget, except such groupings as designated by the director of accounts
24 and reports on a special publication form prescribed by the director of
25 accounts and reports and furnished with the regular budget form. The
26 public hearing required to be held shall be held not less than 10 days prior
27 to the date on which the library board is required to certify its budget to the
28 board of education. After such hearing, the budget shall be adopted or
29 amended and adopted by the library board. In order to provide funds to
30 carry out the provisions of this act, the library board shall annually, not
31 later than August 1 of any year, certify its budget to the board of education,
32 which shall levy a tax at a rate of not to exceed 4 mills on all the taxable
33 tangible property within the taxing district. Each year a copy of the budget
34 adopted by the library board shall be filed with the clerk of the board of
35 education. A copy of such budget also shall be filed with the county clerk
36 of Cowley county, Kansas. The board of education shall not be required to
37 levy a tax in excess of the maximum tax levy set by the board of education
38 by current resolution. Whenever the library board determines that the tax
39 currently being levied for the library, as previously established by the
40 board of education, is insufficient to operate the library and the library
41 board desires to increase the mill levy above the current levy, the library
42 board may request that the board of education authorize an increase by
43 adopting a resolution declaring it necessary to increase the annual levy.

1 The board of education may authorize the increase by resolution, but such
2 increase shall not exceed 0.25 mill per year.

3 (b) Any resolution adopted under subsection (a) shall state the total
4 amount of the tax to be levied for the library board and shall be published
5 once each week for two consecutive weeks in the official newspaper of the
6 taxing district. Whereupon, such annual levy in an amount not to exceed
7 the amount stated in the resolution may be made for the ensuing budget
8 year and each successive budget year unless a petition requesting an
9 election upon the proposition to increase the tax levy in excess of the
10 current tax levy, signed by at least 5% of the qualified voters of the taxing
11 district, is filed with the county election officer within 30 days following
12 the date of the last publication of the resolution. In the event a valid
13 petition is filed, no such increased levy shall be made without such
14 proposition having been submitted to and having been approved by a
15 majority of the voters of the taxing district voting at an election called and
16 held thereon. All such elections shall be called and held in the manner
17 provided by the general bond law, and the cost of the election shall be
18 borne by the library board. Such taxes shall be levied and collected in like
19 manner as other taxes, which levy the board of education shall certify, on
20 or before August 25 of each year, to the county clerk who is hereby
21 authorized and required to place the same on the tax roll of the county to
22 be collected by the county treasurer and paid over by the county treasurer
23 to the treasurer of the library board.

24 (c) The tax levy provided in this section shall not be considered to be
25 a levy of the board of education.

26 Sec. 9. Sections 1 through 9, and amendments thereto, shall be known
27 and may be cited as the Arkansas City library district act.

28 Sec. 10. This act shall take effect and be in force from and after its
29 publication in the statute book.