



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 13, 1978

ATTORNEY GENERAL OPINION NO. 78- 226

Mr. E. Edward Johnson
Glenn, Cornish & Leuenberger
First National Bank Tower
Topeka, Kansas 66603

Re: Cities--Libraries--Levies

Synopsis: The levy for building fund purposes authorized by K.S.A. 12-1254, for not to exceed one mill for a period not to exceed five years, may be renewed by a new vote of the electorate once initial levy authority has been exhausted by expiration of the period for which such initial or previous levy was authorized.

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Dear Mr. Johnson:

K.S.A. 12-1254 provides that in certain cities, the board of directors of a public library established therein is authorized "to submit the question of making an annual tax levy of not to exceed one (1) mill for a period not to exceed five (5) years." The purpose of the levy is to create a building fund, to be used

"for the construction, reconstruction, additions to, furnishing and equipping of the building housing such free public library and of a building to house motor vehicles of such free public library and the architectural expense incidental thereto."

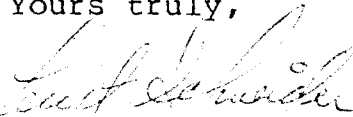
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In order to make this levy of not to exceed one mill for a period not to exceed five years, the question, stating the amount of the levy and the period for which it shall be made, must be submitted to the voters.

You inquire whether this provision authorizes submission of a building fund levy one time only, or whether, once a levy has been authorized by an election hereunder for a given number of years and that authority has been exhausted, the question of a new building fund levy in a given amount and for a stated period not to exceed five years may be submitted once again to the voters.

K.S.A. 12-1254 provides continuing levy authority for library boards of directors in cities to which the statute applies. Any single levy for building fund purposes may not exceed one mill and may not be made for a period exceeding five years, and must be approved by a vote of the electorate. Once a levy has been approved for a stated period, e.g., for a five year period, and that authority is exhausted by the lapse of that time, the statute contains no prohibition against renewal of the levy, subject, of course, to the same conditions and limitations prescribed by the statute. In other words, the levy authority of the statute is not exhausted merely by utilization thereof, in my judgment. Successive levies may be made thereunder, so long as the statutory procedure is followed in the authorization of each such levy.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj