

HOUSE BILL No. 5730

April 1, 1992, Introduced by Reps. Sparks, Dolan, Randall and Middleton and referred to the Committee on Towns and Counties.

A bill to amend sections 2, 3, 4, 5, 13, and 24 of Act No. 24 of the Public Acts of 1989, entitled "The district library establishment act," being sections 397.172, 397.173, 397.174, 397.175, 397.183, and 397.194 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 4, 5, 13, and 24 of Act No. 24 of
2 the Public Acts of 1989, being sections 397.172, 397.173,
3 397.174, 397.175, 397.183, and 397.194 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 2. As used in this act:

6 (a) "Agreement" means a district library agreement required
7 by section 3 or the agreement governing a district library
8 established pursuant to former Act No. 164 of the Public Acts of
9 1955.

1 (b) "Board" means a district library board.

2 (c) "District" means the territory of the participating
3 municipalities that is served by a district library established
4 pursuant to this act.

5 (D) "FREE PUBLIC LIBRARY" MEANS A LIBRARY ESTABLISHED UNDER
6 SECTION 10 OR 10A OF ACT NO. 164 OF THE PUBLIC ACTS OF 1877,
7 BEING SECTIONS 397.210 AND 397.210A OF THE MICHIGAN COMPILED
8 LAWS, AND INCLUDES A LIBRARY ORGANIZED UNDER SECTION 10A OF ACT
9 NO. 164 OF THE PUBLIC ACTS OF 1877 PURSUANT TO SECTION 12 OF ACT
10 NO. 164 OF THE PUBLIC ACTS OF 1877, BEING SECTION 397.212 OF THE
11 MICHIGAN COMPILED LAWS.

12 (E) ~~(d)~~ "General election" means that term as defined in
13 the Michigan election law, Act No. 116 of the Public Acts of
14 1954, being sections 168.1 to 168.992 of the Michigan Compiled
15 Laws.

16 (F) ~~(e)~~ "Largest" means, if used in reference to a partic-
17 ipating school district, the participating school district having
18 the most electors voting at the last regularly scheduled school
19 board election in the participating school district.

20 (G) ~~(f)~~ "Largest" means, if used in reference to a county,
21 the county having the most registered electors of a district as
22 last reported to the county clerk pursuant to section 661 of the
23 Michigan election law, Act No. 116 of the Public Acts of 1954,
24 being section 168.661 of the Michigan Compiled Laws.

25 (H) ~~(g)~~ "Legislative body" means, if the municipality is a
26 school district, the school board.

1 (I) ~~(h)~~ "Legislative council" means the legislative
2 council created by the legislative council act, Act No. 268 of
3 the Public Acts of 1986, being sections 4.1101 to 4.1901 of the
4 Michigan Compiled Laws.

5 (J) ~~(i)~~ "Municipality" means a city, village, school dis-
6 trict, township, or county.

7 (K) ~~(j)~~ "Participating" means, in reference to a munici-
8 pality, that the municipality is a party to an agreement.

9 (L) ~~(k)~~ "School district" means 1 of the following but
10 does not include a primary school district or a school district
11 that holds meetings rather than elections:

12 (i) "Local act school district" as defined in section 5 of
13 the school code of 1976, Act No. 451 of the Public Acts of 1976,
14 being section 380.5 of the Michigan Compiled Laws.

15 (ii) "Local school district" as that term is used in Act
16 No. 451 of the Public Acts of 1976, being sections 380.1 to
17 380.1852 of the Michigan Compiled Laws.

18 (M) ~~(l)~~ "State librarian" means the librarian appointed
19 pursuant to section 5 of the library of Michigan act, Act No. 540
20 of the Public Acts of 1982, being section 397.15 of the Michigan
21 Compiled Laws.

22 Sec. 3. (1) Two or more municipalities, except 2 or more
23 school districts that hold their regularly scheduled elections on
24 different dates, authorized by law to establish and maintain a
25 library or library services may jointly establish a district
26 library if each of the following requirements is satisfied:

1 (a) If the proposed district contains a public library
2 recognized by the legislative council as lawfully established for
3 purposes of the distribution of state aid and penal fines, the
4 governing board of the public library approves the establishment
5 of the district library.

6 (b) ~~The legislative body of each~~ EACH municipality identi-
7 fied in the agreement pursuant to section 4 adopts a resolution
8 providing for the establishment of a district library and approv-
9 ing a district library agreement. EXCEPT AS PROVIDED IN THIS
10 SUBDIVISION, THE LEGISLATIVE BODY OF A MUNICIPALITY SHALL ADOPT
11 THE RESOLUTION FOR THE MUNICIPALITY. IF THE MUNICIPALITY HAS A
12 FREE PUBLIC LIBRARY, THE FREE PUBLIC LIBRARY GOVERNING BOARD MAY
13 ADOPT THE RESOLUTION FOR THE MUNICIPALITY, EVEN IF THE LEGISLA-
14 TIVE BODY OF THE MUNICIPALITY HAS PREVIOUSLY REJECTED THE
15 RESOLUTION.

16 (2) THE DISTRICT LIBRARY IS ESTABLISHED ON THE EFFECTIVE
17 DATE OF THE AGREEMENT. IF A MUNICIPALITY ESTABLISHING A DISTRICT
18 LIBRARY HAS A FREE PUBLIC LIBRARY, THAT FREE PUBLIC LIBRARY IS
19 DISSOLVED AND ITS ASSETS ARE TRANSFERRED TO THE DISTRICT LIBRARY
20 UPON THE ESTABLISHMENT OF THE DISTRICT LIBRARY.

21 (3) ~~(2)~~ A county, township, city, or village uniting with
22 other municipalities to establish a district library may provide
23 in the resolution required by subsection (1) that only a portion
24 of its territory is included in the district. The portion of a
25 county included in a district shall be bounded by county, town-
26 ship, city, village, or school district boundaries. The portion
27 of a township, city, or village to be included in the district

1 shall be bounded by township boundaries, city boundaries, or
2 village boundaries, respectively, and by existing district
3 library or school district public library boundaries.

4 Sec. 4. (1) The agreement shall provide for the creation of
5 a board to govern the operation of the district library and set
6 forth all of the following:

7 (a) The identity of the municipalities establishing the dis-
8 trict library.

9 (b) The method of selection of board members, whether by
10 election or appointment; if by appointment, their term of office,
11 the total number of board members, and the number of board mem-
12 bers to be appointed by the legislative body of each participat-
13 ing municipality; and, if by election, the number of provisional
14 board members to be appointed by the legislative body of each
15 participating municipality.

16 (c) Of the amount of money to be stated in the annual budget
17 pursuant to section 13, the percentage to be ~~supplied~~ PAID by
18 each participating municipality — SUBJECT TO THE FOLLOWING
19 REQUIREMENTS:

20 (i) IF, ON THE DAY BEFORE THE EFFECTIVE DATE OF THE AGREE-
21 MENT, A MUNICIPALITY IDENTIFIED IN THE AGREEMENT HAS A FREE
22 PUBLIC LIBRARY AND LEVIES A TAX FOR THE FREE PUBLIC LIBRARY, THE
23 AGREEMENT SHALL REQUIRE THAT MUNICIPALITY TO PAY TO THE DISTRICT
24 LIBRARY THE REVENUE FROM THAT MUNICIPALITY'S FREE PUBLIC LIBRARY
25 TAX. THE AGREEMENT SHALL NOT REQUIRE THAT MUNICIPALITY TO PAY
26 ANY OTHER REVENUE TO THE DISTRICT LIBRARY BEFORE THE EXPIRATION
27 OF THE FREE PUBLIC LIBRARY TAX.

1 (ii) IF A MUNICIPALITY OTHER THAN A MUNICIPALITY DESCRIBED
2 IN SUBPARAGRAPH (i) LEVIES OR IS AUTHORIZED TO LEVY A TAX FOR A
3 LIBRARY OR LIBRARY SERVICES, THEN, AFTER THE DISTRICT LIBRARY IS
4 ESTABLISHED, THE MUNICIPALITY MAY LEVY THE TAX AT THE RATE AND
5 FOR THE PERIOD OF TIME ORIGINALLY AUTHORIZED AND USE THE TAX REV-
6 ENUE TO PAY ALL OR PART OF THE PERCENTAGE OF MONEY SET FORTH IN
7 THE AGREEMENT PURSUANT TO THIS SUBDIVISION, UNLESS PROHIBITED BY
8 THE MILLAGE AUTHORIZATION.

9 (d) The procedure for amending the agreement, which shall
10 require the consent of the legislative bodies of not less than
11 2/3 of the participating municipalities.

12 (e) A period of time after the effective date of the agree-
13 ment, not less than 1 year, during which the adoption of a reso-
14 lution to withdraw from the district library pursuant to
15 section 24 shall be void.

16 (f) Any distribution of district library assets to take
17 place upon the withdrawal of a participating municipality.

18 (g) Any other necessary OR DESIRABLE provisions regarding
19 the district library.

20 (2) A district library agreement may provide that the dis-
21 trict library board is abolished and the district library termi-
22 nates unless, on or before a date stated in the agreement, the
23 district electors approve a district library millage at a rate
24 not less than a minimum number of mills stated in the agreement.
25 If the district library agreement contains such a provision, the
26 district library agreement shall specify the manner in which the
27 net assets of the district library shall be distributed to the

1 participating municipalities upon termination and shall contain a
2 plan for continuing public library service to all residents of
3 the district after termination.

4 Sec. 5. (1) The legislative bodies ~~of the municipalities~~
5 ~~that~~ AND FREE PUBLIC LIBRARY GOVERNING BOARDS, IF ANY, THAT
6 ADOPTED RESOLUTIONS TO establish a district library UNDER
7 SECTION 3 shall submit the agreement to the state librarian
8 ~~within~~ NOT MORE THAN 10 days ~~following~~ AFTER the date on
9 which the amendment is adopted. A board shall submit an amend-
10 ment to the agreement to the state librarian within 10 days fol-
11 lowing the date on which the amendment is adopted.

12 (2) The state librarian shall approve an agreement or an
13 amendment to an agreement submitted pursuant to subsection (1) or
14 a revision in board structure submitted pursuant to section 6 if
15 it conforms to the requirements of this act and shall disapprove
16 the agreement, amendment, or revision if it does not conform to
17 the requirements of this act. Within 30 days following the date
18 on which the state librarian receives an agreement, amendment, or
19 revision, the state librarian shall send to the board or TO the
20 legislative bodies AND FREE PUBLIC LIBRARY GOVERNING BOARDS, IF
21 ANY, that submitted the agreement, amendment, or revision a writ-
22 ten statement of approval or disapproval. If the state librarian
23 disapproves the agreement, amendment, or revision, the state
24 librarian shall explain in the written statement the reasons for
25 the disapproval, and the legislative council shall not recognize
26 the district library as lawfully established for purposes of the
27 distribution of state aid and penal fines until the state

1 librarian approves an amendment or revision that causes the
2 agreement to conform to the requirements of this act. If the
3 state librarian fails to send a written statement of approval or
4 disapproval within 30 days following the date on which the state
5 librarian receives the agreement, amendment, or revision, it
6 shall be considered approved.

7 Sec. 13. (1) Subject to any limitation in the district
8 library agreement on the amount of the district library annual
9 budget or the amount or percentage of an increase in the district
10 library annual budget, or both, that applies in the absence of a
11 districtwide tax approved by the electors, the board shall annu-
12 ally determine the amount of money necessary for the establish-
13 ment and operation of the district library and shall state that
14 amount in an annual budget of the district library.

15 (2) All or part of the money necessary for the establishment
16 and operation of a district library may be supplied by a tax
17 levied by the district library on the taxable property in the
18 district. A district library shall not levy a tax authorized by
19 this subsection unless the tax is approved as provided in
20 section 15. However, a districtwide tax in effect or authorized
21 to be levied by a district library established pursuant to former
22 Act No. 164 of the Public Acts of 1955 may be levied by the dis-
23 trict library at the rate and for the period of time originally
24 authorized without being approved as provided in section 15.

25 (3) A districtwide tax or taxes authorized by subsection (2)
26 shall not exceed 2 mills. However, if 1 or more of the
27 participating municipalities had a legally established public

1 library with an authorized tax levy of more than 2 mills on the
2 day before the effective date of this act, the district library
3 may, pursuant to subsection (2), levy on the taxable property of
4 the district a tax or taxes of not more than the greatest number
5 of mills authorized to be levied by any such participating munic-
6 ipality for its public library on the day before the effective
7 date of this act.

8 (4) Of the amount of money stated in the annual budget pur-
9 suant to subsection (1) that is not supplied by a districtwide
10 tax, the legislative body of each participating municipality
11 shall annually pay to the board the percentage set forth in the
12 agreement pursuant to section 4. A participating municipality
13 may make the payment by appropriating money from its general fund
14 or by levying a tax for district library purposes on the taxable
15 property in the municipality, or both.

16 (5) A participating municipality shall not levy a tax autho-
17 rized by subsection (4) unless the tax is approved by a majority
18 of the electors who reside in the participating municipality and
19 vote on the proposal. Not less than 60 days before the date of
20 the election, the legislative body of a participating municipal-
21 ity shall certify a proposed tax to the clerk of the municipality
22 or, if the participating municipality is a school district, to
23 the secretary of the school board for inclusion on the ballot.

24 ~~(6) A library tax in effect or authorized to be levied by a~~
25 ~~participating municipality before the municipality became a party~~
26 ~~to an agreement may be levied at the rate and for the period of~~
27 ~~time originally authorized and used as a source of all or part of~~

~~1 the percentage of money set forth in the agreement pursuant to~~
~~2 section 4, unless prohibited by the millage authorization.~~

3 Sec. 24. (1) Except to the extent that the agreement pro-
4 vides otherwise, a participating municipality in which a district
5 library tax is in effect or authorized to be levied by the dis-
6 trict library or by the participating municipality may withdraw
7 from the district library if each of the following requirements
8 is satisfied:

9 (a) Not less than 2 months before the next regularly sched-
10 uled election of the municipality, the legislative body of the
11 municipality adopts a resolution to withdraw from the district
12 library on a date specified in the resolution. The date speci-
13 fied shall be not less than 6 months after the next regularly
14 scheduled election of the municipality.

15 (b) Notice of an election on the resolution is published in
16 a newspaper ~~published or~~ of general circulation in the munici-
17 pality not less than 10 days before the next regularly scheduled
18 election of the municipality following adoption of the
19 resolution.

20 (c) The resolution is approved by a majority of the electors
21 of the municipality voting on the resolution at the next regu-
22 larly scheduled election of the municipality following adoption
23 of the resolution. If only a portion of the territory of a
24 municipality is included in the district, the vote shall be con-
25 ducted only in that portion OF THE TERRITORY of the municipality
26 THAT IS included in the district.

1 (d) After approval of the resolution by the electors, the
2 clerk of the municipality or, if the municipality is a school
3 district, the secretary of the school board files with the
4 library of Michigan a copy of the official canvass statement and
5 a certified copy of the resolution and files with the board a
6 copy of the official canvass statement and a number of certified
7 copies of the resolution sufficient for distribution to the leg-
8 islative body of each of the participating municipalities.

9 (e) Payment or the provision for payment to the district
10 library or its creditors of all obligations of the municipality
11 seeking to withdraw is made.

12 (f) The legislative body of the withdrawing municipality
13 furnishes to the library of Michigan a plan for continuing, after
14 the municipality no longer receives library services from the
15 district library, public library service for all residents of the
16 withdrawing municipality or the portion of the territory of the
17 withdrawing municipality that is included in the district.

18 (2) A district library tax in effect or authorized to be
19 levied by the district library or by the withdrawing municipality
20 before the adoption of the resolution to withdraw shall be levied
21 in the municipality for ~~its original purpose~~ DISTRICT LIBRARY
22 PURPOSES but only for the period of time originally authorized
23 and only so long as the board continues in existence. In addi-
24 tion, a municipality that withdraws from a district library shall
25 continue to receive library services from the district library so
26 long as a districtwide tax authorized to be levied before the

1 withdrawal of the municipality continues to be levied in the
2 municipality and the district library remains in operation.

3 (3) Except to the extent that the agreement provides other-
4 wise, a participating municipality in which no district library
5 tax is in effect or authorized to be levied by either the dis-
6 trict library or the participating municipality may withdraw from
7 the district library if all of the following requirements are
8 satisfied:

9 (a) The legislative body of the municipality adopts a reso-
10 lution to withdraw from the district library on a date specified
11 in the resolution. The withdrawal date shall follow the date of
12 the resolution by not less than 1 year.

13 (b) The clerk of the municipality or, if the municipality is
14 a school district, the secretary of the school board files with
15 the library of Michigan a certified copy of the resolution and
16 files with the board a number of certified copies of the resolu-
17 tion sufficient for distribution to the legislative bodies of
18 each of the participating municipalities.

19 (c) The requirements of subsection (1)(e) and (f) are met.

20 (4) After the withdrawal of a municipality, the agreement
21 shall be amended to reflect the withdrawal.

22 (5) FOR THE PURPOSES OF THIS SECTION, IF A LIBRARY TAX WAS
23 IN EFFECT OR AUTHORIZED TO BE LEVIED BY A PARTICIPATING MUNICI-
24 PALITY BEFORE THE MUNICIPALITY BECAME A PARTY TO AN AGREEMENT AND
25 THE PARTICIPATING MUNICIPALITY CONTINUES TO LEVY THE TAX UNDER
26 SECTION 4(1)(C)(i) FOR DISTRICT LIBRARY PURPOSES, THE TAX IS

1 CONSIDERED TO BE A DISTRICT LIBRARY TAX IN EFFECT OR AUTHORIZED
2 TO BE LEVIED BY THE PARTICIPATING MUNICIPALITY.