



SENATE BILL No. 894

October 14, 1993, Introduced by Senators SCHWARZ, CISKY,
STABENOW and POLLACK and referred to the Committee
on Education

A bill to provide for the establishment of school chartered
public library authorities to authorize the levying of taxes and
the borrowing of money and to provide for the powers and duties
of certain governmental officials

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Sec 1 This act shall be known and may be cited as the
2 "school chartered public library act"

3 Sec 2 As used in this act

4 (a) "Library" means a school chartered public library unless
5 the context implies a different meaning

6 (b) "Library board" means the body created to govern the
7 operation of a school chartered public library under section

8 4(b)

1 (c) "Library district" means the territory served by a
2 school chartered public library as described under section 4(e),
3 without regard to a contract entered into under section 8(g)

4 (d) "School chartered public library" means a library estab-
5 lished pursuant to this act

6 (e) "School district" means that term as defined in the
7 school code of 1976 Act No 451 of the Public Acts of 1976
8 being sections 380 1 to 380 1852 of the Michigan Compiled Laws

9 (f) "School district public library" means a public library
10 operated by a school district under Act No 451 of the Public
11 Acts of 1976 and recognized by the legislative council as law-
12 fully established for the purposes of the distribution of state
13 aid and penal fines on September 1 1993

14 Sec 3 (1) A school chartered public library may be estab-
15 lished by either of the following

16 (a) A school district that operates a school district public
17 library

18 (b) A school district that operates a school district public
19 library together with 1 or more school districts to which that
20 school district public library provides library services under
21 contract

22 (2) To establish a school chartered public library, both of
23 the following requirements shall be satisfied

24 (a) By December 31, 1993, the board of the school district
25 described in subsection (1)(a) adopts a resolution under
26 section 4 or the boards of the school districts described in

1 subsection (1)(b) each adopt compatible resolutions under
2 section 4

3 (b) The electors of the proposed library district approve a
4 districtwide millage for operation of the library under section 5
5 by June 15, 1994

6 Sec 4 A resolution adopted under section 3 shall provide
7 for the following

8 (a) The establishment of the library, to be supported by a
9 tax levy in an amount not to exceed 4 mills

10 (b) The creation of a library board to govern the operation
11 of the library The library board may be the board of the school
12 district described in section 3(1)(a), the combined boards of the
13 school districts described in section 3(1)(b), or a separate and
14 independent board appointed by the board of that school district
15 or the combined boards of those school districts

16 (c) A covenant that the board of the school district shall
17 not commingle the library funds with funds of the school
18 district

19 (d) A covenant that all of the following shall be the prop-
20 erty of the school chartered public library and not the school
21 district

22 (i) Any real and personal property acquired with funds of
23 the school district public library

24 (ii) Any balance in the library fund of the school district
25 public library at the termination of the school district public
26 library

1 (111) Any fines for overdue materials or other money owed or
2 attributable to the school district public library

3 (e) A description of the boundaries of the library district,
4 which shall be the same as boundaries for the school district
5 except that territory of any other library recognized by the leg-
6 islative council for receipt of penal fines and state aid may be
7 excluded

8 Sec 5 (1) The board of a school district described in
9 section 3(1)(a) or of each school district described in
10 section 3(1)(b) shall submit to the electors of the proposed
11 library district residing within that school district a request
12 for authorization to levy an amount not to exceed 4 mills at a
13 regularly scheduled election of school board members or at a spe-
14 cial election to be held not later than June 15 1994 Elections
15 under this section in school districts described in
16 section 3(1)(b) shall be conducted on the same date

17 (2) The ballot proposal shall state the amount of the
18 millage A tax levy approved under this section by a majority of
19 the electors of the proposed library district voting on the ques-
20 tion shall be collected as provided in section 9(2)

21 Sec 6 If the requirements of sections 3 to 5 for the
22 establishment of a school chartered public library are not satis-
23 fied, a school district may continue to operate a school district
24 public library under the school code of 1976, Act No 451 of the
25 Public Acts of 1976, being sections 380 1 to 380 1852 of the
26 Michigan Compiled Laws or discontinue providing public library
27 services If a school district discontinues providing public

1 library services, all assets of the school district public
2 library shall be transferred to the entity or entities recognized
3 by the legislative council as the successor to the school dis-
4 trict public library for purposes of the receipt of penal fines
5 and state aid

6 Sec 7 A school chartered public library constitutes a
7 charter authority under section 6 of article IX of the state con-
8 stitution of 1963

9 Sec 8 (1) A library board may do 1 or more of the
10 following

11 (a) Operate and maintain a public library

12 (b) Appoint and remove officers from among its members

13 (c) Appoint and remove a librarian and necessary assistants
14 and other employees and fix their compensation

15 (d) Acquire real or personal property for use for library
16 purposes by purchase, land contract installment purchase con-
17 tract, lease with or without option to purchase, or title retain-
18 ing contract

19 (e) Erect buildings

20 (f) Supervise and control library property

21 (g) Enter into a contract to receive library-related service
22 from or give library-related service to a public library or other
23 library or a municipality within or outside the library
24 district

25 (h) Propose and levy upon approval of the electors of the
26 library district a tax for support of the library as provided in
27 section 9(1)

1 (1) Borrow money and issue evidences of indebtedness
2 subject to the provisions of the municipal finance act, Act
3 No 202 of the Public Acts of 1943, being sections 131 1 to 139 3
4 of the Michigan Compiled Laws, and this act

5 (j) Adopt bylaws and regulations, not inconsistent with this
6 act, governing the library board and the library

7 (k) Accept gifts and grants for the library

8 (1) Do any other thing necessary for conducting the library
9 service, the cost of which shall be charged against the school
10 chartered public library fund described in subsection (3)

11 (2) A library board may reimburse a board member for neces-
12 sary expenses that the member incurs in the performance of offi-
13 cial duties A library board may compensate library board mem-
14 bers for attending meetings of the library board and shall
15 include the amount of compensation in an annual budget
16 Compensation shall not exceed \$30 00 per board member per
17 meeting A library board member shall not be compensated for
18 attending more than 52 meetings per year

19 (3) Money for the library shall be paid to the library board
20 and deposited in a fund known as the school chartered public
21 library fund The library board shall exclusively control the
22 investment and expenditure of money deposited in the school
23 chartered public library fund

24 Sec 9 (1) So long as the library continues to be recog-
25 nized by the legislative council as lawfully established for the
26 purposes of distribution of state aid and penal fines, the school
27 board or school boards, at the request of the library board,

1 shall submit to the electors at any regularly scheduled election
2 of school board members or at a special election to be held at
3 the expense of the library, a request for authorization to levy a
4 tax which, when added to the amount of millage previously autho-
5 rized under this subsection or section 5, does not exceed 4

6 mills Elections under this section in school districts
7 described in section 3(1)(b) shall be conducted on the same
8 date A millage shall not be levied unless approved by a major-
9 ity of the electors of the district voting on the question

10 (2) A tax authorized under subsection (1) or section 5 shall
11 be collected by the city or township treasurers of the cities and
12 townships in which the library is located and paid to the library
13 board pursuant to the general property tax act Act No 206 of
14 the Public Acts of 1893, being sections 211 1 to 211 157 of the
15 Michigan Compiled Laws, relating to collection and payment of tax
16 revenues to taxing units in general A township treasurer shall
17 collect the tax on a summer tax levy

18 Sec 10 A library board shall provide for an annual inde-
19 pendent audit of the financial records, accounts, and procedures
20 of the library board and library A copy of the audit report
21 shall be provided to the library of Michigan

22 Sec 11 (1) A school chartered public library may be dis-
23 solved by resolution of the library board after the requirements
24 of this section have been met

25 (2) Before dissolution of a library, the library board shall
26 prepare a financial report of the assets and liabilities of the
27 library This report shall include an accounting of money held

1 by the library a description of obligations of the library an
2 appraisal or inventory of other assets of the library, and a
3 description of any encumbrances on these assets In addition,
4 the library board shall prepare a plan for the discharge or
5 assumption of any liabilities of the library and for the transfer
6 of any remaining assets to the library or libraries that will
7 provide public library services in the library district after
8 dissolution of the school chartered public library

9 (3) The library board shall submit the report and plan under
10 subsection (2) to the library of Michigan Not more than 28 days
11 after receipt of the report and plan the library of Michigan
12 shall approve or disapprove of the report and plan and send
13 notice of the approval or disapproval to the library board
14 Notice of disapproval of the report or plan shall be accompanied
15 by a statement of the reasons for the disapproval

16 (4) After approval of a report and plan by the library of
17 Michigan the library board may dissolve the library as provided
18 in the plan

19 (5) This act does not prevent a school district upon disso-
20 lution of a school chartered public library, from operating a
21 school district public library or participating in a district
22 library under the district library establishment act, Act No 24
23 of the Public Acts of 1989, being sections 397 171 to 397 196 of
24 the Michigan Compiled Laws