

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 520

A bill to amend 1989 PA 24, entitled
"The district library establishment act,"
by amending section 3 (MCL 397.173).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Two or more municipalities, except 2 or more
2 school districts that hold their regularly scheduled elections on
3 different dates, authorized by law to establish and maintain a
4 library or library services may jointly establish a district
5 library if each of the following requirements is satisfied:
6 (a) If the proposed district contains a public library,
7 OTHER THAN A DISTRICT LIBRARY ESTABLISHED UNDER THIS ACT, AND
8 THAT PUBLIC LIBRARY IS recognized by the legislative council as
9 lawfully established for purposes of the distribution of state
10 aid and penal fines, the governing board of the public library
11 approves the establishment of the district library.

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1 (b) The legislative body of each municipality identified in
2 the agreement ~~pursuant to~~ DESCRIBED IN section 4 adopts a reso-
3 lution providing for the establishment of a district library and
4 approving a district library agreement.

5 (C) THE PROPOSED DISTRICT LIBRARY DISTRICT DOES NOT OVERLAP
6 ANY PORTION OF ANOTHER DISTRICT LIBRARY DISTRICT.

7 (2) A ~~county, township, city, or village uniting with other~~
8 ~~municipalities to establish a district library~~ PARTICIPATING
9 MUNICIPALITY may provide in the resolution required by subsection
10 (1) that only a portion of its territory is included in the
11 DISTRICT LIBRARY district. ~~The~~ EXCEPT AS PROVIDED IN SUBSEC-
12 TION (3), THE portion of a ~~county~~ PARTICIPATING MUNICIPALITY
13 included in a DISTRICT LIBRARY district shall be bounded by
14 county, township, city, village, or school district boundaries.
15 ~~The portion of a township, city, or village to be included in~~
16 ~~the district shall be bounded by township boundaries, city bound-~~
17 ~~aries, or village boundaries, respectively, and by existing dis-~~
18 ~~trict library or school district public library boundaries.~~

19 (3) A PARTICIPATING MUNICIPALITY OTHER THAN A COUNTY MAY
20 EXCLUDE FROM A DISTRICT LIBRARY DISTRICT ONLY THAT PORTION OF THE
21 MUNICIPALITY'S TERRITORY LOCATED WITHIN THE BOUNDARIES OF A
22 PUBLIC LIBRARY THAT IS ALL OF THE FOLLOWING:

23 (A) RECOGNIZED BY THE LEGISLATIVE COUNCIL AS LAWFULLY ESTAB-
24 LISHED FOR THE PURPOSES OF THE DISTRIBUTION OF STATE AID AND
25 PENAL FINES.

26 (B) ESTABLISHED UNDER THIS ACT OR ANY OF THE FOLLOWING
27 ACTS:

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1 (i) 1877 PA 164, MCL 397.201 TO 397.217.
2 (ii) THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
3 380.1852.
4 (iii) 1917 PA 138, MCL 397.301 TO 397.305.
5 (4) ON OR BEFORE OCTOBER 1, 1998, THE BOARDS OF DISTRICT
6 LIBRARIES HAVING COMMON JURISDICTION OVER PARCELS OF TAXABLE
7 PROPERTY SHALL FILE WITH THE STATE LIBRARIAN COPIES OF RESOLU-
8 TIONS ADOPTED BY EACH, TOGETHER WITH A COPY OF A MAP DESCRIBED IN
9 SUBSECTION (5), CERTIFYING THE EXCLUSION OF TERRITORY FROM ONE OR
10 THE OTHER OF THE DISTRICT LIBRARY DISTRICTS. THE RESOLUTION AND
11 THE MAP SHALL DEMONSTRATE THAT NO PARCELS OF TAXABLE PROPERTY
12 REMAIN WITHIN MORE THAN 1 DISTRICT LIBRARY DISTRICT AND SHALL
13 ADDITIONALLY DEMONSTRATE THAT THE REMAINING DISTRICT LIBRARY DIS-
14 TRICTS ARE EACH COMPOSED OF A CONTIGUOUS WHOLE. IF THE BOARDS OF
15 DISTRICT LIBRARY DISTRICTS HAVING COMMON JURISDICTION OVER PAR-
16 CELS OF TAXABLE PROPERTY HAVE NOT FILED SUCH RESOLUTIONS AND MAPS
17 WITH THE STATE LIBRARIAN BY OCTOBER 1, 1998, THE LEGISLATIVE
18 COUNCIL SHALL APPROVE A CHANGE IN THE BOUNDARIES OF THOSE DIS-
19 TRICT LIBRARIES, ELIMINATING THE OVERLAPPED TERRITORY. THE LEG-
20 ISLATIVE COUNCIL SHALL OBTAIN A STATEMENT IDENTIFYING THE PARCELS
21 THAT ARE LOCATED IN THE OVERLAPPING TERRITORY FROM THE TREASURER
22 OF EACH COUNTY WITHIN WHICH THE DISTRICT LIBRARY DISTRICT IS
23 LOCATED AND A STATEMENT OF THE DATE ON WHICH SUCH PARCELS WERE
24 FIRST INCLUDED WITHIN THE TERRITORY OF A DISTRICT LIBRARY DIS-
25 TRICT ESTABLISHED IN ACCORDANCE WITH THIS ACT. THE LEGISLATIVE
26 COUNCIL SHALL DIRECT THE DISTRICT LIBRARY BOARD TO ENSURE THAT
27 ANY PARCEL THAT WAS ORIGINALLY LOCATED WITHIN THE BOUNDARIES OF A

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1 DISTRICT LIBRARY DISTRICT REMAIN IN THAT ORIGINAL DISTRICT
2 LIBRARY DISTRICT AND BE EXCLUDED FROM THE TERRITORIES OF THE
3 OTHER DISTRICT LIBRARY DISTRICTS IN WHICH IT IS LOCATED.

4 (5) PARTICIPATING MUNICIPALITIES THAT PROPOSE TO ESTABLISH A
5 DISTRICT LIBRARY SHALL FILE WITH THE STATE LIBRARIAN ALL OF THE
6 FOLLOWING:

7 (A) A COPY OF AN AGREEMENT DESCRIBED IN SECTION 4 THAT IDEN-
8 TIFIES THE PROPOSED LIBRARY DISTRICT.

9 (B) A COPY OF A MAP OR DRAWING THAT IS NO SMALLER THAN 8-1/2
10 BY 13 INCHES OR LARGER THAN 14 BY 18 INCHES AND CLEARLY SHOWS THE
11 TERRITORY PROPOSED TO BE INCLUDED IN THE DISTRICT LIBRARY
12 DISTRICT.

13 (C) A MAP THAT UNAMBIGUOUSLY SHOWS THE RELATIONSHIP OF THE
14 PROPOSED DISTRICT LIBRARY DISTRICT TO THE ADJACENT AND CONSTITU-
15 ENT UNITS OF GOVERNMENT, WHICH INCLUDE COUNTIES, CITIES, VIL-
16 LAGES, TOWNSHIPS, SCHOOL DISTRICTS, AND DISTRICT LIBRARIES.

17 (6) THE STATE LIBRARIAN SHALL REVIEW THE AGREEMENT DESCRIBED
18 IN SUBSECTION (5)(A) AND APPROVE OR DISAPPROVE OF THE PROPOSED
19 DISTRICT LIBRARY DISTRICT IN ACCORDANCE WITH SECTION 5.

20 (7) UPON RECEIVING NOTICE OF THE STATE LIBRARIAN'S APPROVAL
21 OF AN AGREEMENT DESCRIBED IN SECTION 4, UPON RECEIVING NOTICE OF
22 A DIRECTIVE FROM THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH
23 SUBSECTION (4), OR UPON EXPIRATION OF THE 10-DAY PERIOD DESCRIBED
24 IN SUBSECTION (11), THE SECRETARY OF THE BOARD OF THE AFFECTED
25 DISTRICT LIBRARY SHALL SUBMIT TO THE COUNTY TREASURER OF EACH
26 COUNTY IN WHICH THE DISTRICT LIBRARY DISTRICT IS LOCATED AND TO

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1 THE TREASURER OF EACH MUNICIPALITY IN WHICH THE DISTRICT LIBRARY
2 DISTRICT IS LOCATED A COPY OF ALL OF THE FOLLOWING:

3 (A) THE STATE LIBRARIAN'S WRITTEN STATEMENT OF APPROVAL FOR
4 THE DISTRICT LIBRARY ISSUED IN ACCORDANCE WITH SECTION 5 OR THE
5 LEGISLATIVE COUNCIL'S DIRECTIVE RECEIVED IN ACCORDANCE WITH
6 SUBSECTION (4).

7 (B) THE MAP OR DRAWING OF THE DISTRICT LIBRARY'S TERRITORY
8 DESCRIBED IN SUBSECTION (5)(B).

9 (C) IF THE DISTRICT LIBRARY INCLUDES ONLY A PORTION OF A
10 MUNICIPALITY, THE TAX IDENTIFICATION NUMBER OF EACH PARCEL OF
11 PROPERTY WITHIN THAT MUNICIPALITY WHICH IS INCLUDED IN THE DIS-
12 TRICT LIBRARY DISTRICT.

13 (8) ONCE AN AGREEMENT IS APPROVED BY THE STATE LIBRARIAN,
14 THE BOUNDARIES OF A DISTRICT LIBRARY ESTABLISHED UNDER THIS ACT
15 MAY BE AMENDED TO DO ONLY THE FOLLOWING:

16 (A) PROVIDE FOR THE WITHDRAWAL OF A PARTICIPATING MUNICIPAL-
17 ITY IN ACCORDANCE WITH SECTION 24.

18 (B) ADD A PARTICIPATING MUNICIPALITY IN ACCORDANCE WITH SEC-
19 TION 25.

20 (C) ELIMINATE CERTAIN TERRITORY IN ACCORDANCE WITH SUBSEC-
21 TION (10).

22 (9) FOR ANY AMENDMENT DESCRIBED IN SUBSECTION (8), THE SEC-
23 RETARY OF THE BOARD OF THE DISTRICT LIBRARY SHALL FILE WITH EACH
24 OF THE FOLLOWING A COPY OF THE MAP OR DRAWING OF THE AMENDED
25 BOUNDARIES APPROVED BY THE PARTICIPATING MUNICIPALITIES:

26 (A) THE COUNTY TREASURER OF EACH COUNTY IN WHICH THE
27 DISTRICT LIBRARY IS SITUATED.

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1 (B) THE LEGISLATIVE COUNCIL.

2 (10) A DISTRICT LIBRARY RECOGNIZED BY THE LEGISLATIVE COUN-
3 CIL BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
4 THIS SUBSECTION MAY AMEND ITS BOUNDARIES TO ELIMINATE TERRITORY
5 LOCATED WITHIN THE LEGAL BOUNDARIES OF A PUBLIC LIBRARY OR
6 ANOTHER DISTRICT LIBRARY DISTRICT, IF THAT PUBLIC LIBRARY OR
7 OTHER DISTRICT LIBRARY IS RECOGNIZED BY THE LEGISLATIVE COUNCIL
8 AS LAWFULLY ESTABLISHED FOR THE PURPOSES OF THE DISTRIBUTION OF
9 STATE AID AND PENAL FINES. THE PROCEDURES FOR AMENDING AN AGREE-
10 MENT UNDER SECTION 5 DO NOT APPLY TO A BOUNDARY AMENDMENT
11 DESCRIBED IN THIS SUBSECTION. A DISTRICT LIBRARY THAT AMENDS ITS
12 BOUNDARIES UNDER THIS SUBSECTION SHALL MEET ALL OF THE FOLLOWING
13 REQUIREMENTS:

14 (A) THE BOARD OF THE DISTRICT LIBRARY ADOPTS A RESOLUTION
15 DESIGNATING THE TERRITORY TO BE EXCLUDED FROM ITS BOUNDARIES.

16 (B) THE PROPOSED AMENDED BOUNDARIES EXCLUDE ONLY THAT TERRI-
17 TORY WHICH IS WITHIN THE LEGAL BOUNDARIES OF A PUBLIC LIBRARY
18 ESTABLISHED UNDER THIS ACT OR ANY OF THE FOLLOWING ACTS AND REC-
19 COGNIZED BY THE LEGISLATIVE COUNCIL AS LAWFULLY ESTABLISHED FOR
20 THE PURPOSES OF THE DISTRIBUTION OF STATE AID AND PENAL FINES:

21 (i) 1877 PA 164, MCL 397.201 TO 397.217.

22 (ii) THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
23 380.1852.

24 (iii) 1917 PA 138, MCL 397.301 TO 397.305.

25 (C) THE DISTRICT LIBRARY FILES WITH THE STATE LIBRARIAN A
26 COPY OF THE RESOLUTION OF THE BOARD DESCRIBED IN SUBDIVISION (A)

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1 TOGETHER WITH A MAP OR DRAWING THAT COMPLIES WITH THE
2 REQUIREMENTS OF SUBSECTION (5)(B).

3 (11) IF A DISTRICT LIBRARY COMPLIES WITH SUBSECTION (4) OR
4 (10) AND THE STATE LIBRARIAN DOES NOT DISAPPROVE THE AMENDED
5 BOUNDARIES WITHIN 10 BUSINESS DAYS AFTER RECEIVING THE MAP OR
6 DRAWING DESCRIBED IN SUBSECTION (10)(C), THE BOUNDARIES ARE
7 AMENDED.

8 (12) THE TERRITORY THAT HAS BEEN EXCLUDED FROM ANY DISTRICT
9 LIBRARY DISTRICT UNDER SUBSECTION (4) OR (10) SHALL REMAIN A PART
10 OF THE DISTRICT LIBRARY DISTRICT FROM WHICH IT HAS BEEN EXCLUDED
11 FOR THE PURPOSE OF LEVYING DEBT RETIREMENT TAXES FOR BONDED
12 INDEBTEDNESS OF THE DISTRICT LIBRARY DISTRICT THAT EXISTS ON THE
13 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.
14 THE TERRITORY SHALL REMAIN A PART OF THAT DISTRICT LIBRARY DIS-
15 TRICT UNTIL THE BONDS ARE REDEEMED OR SUFFICIENT FUNDS ARE AVAIL-
16 ABLE IN THE DEBT RETIREMENT FUND OF THE DISTRICT LIBRARY FOR THAT
17 PURPOSE.