

Senate Bill 476 (Substitute H-1)
First Analysis (12-23-03)

Sponsor: Sen. Bob Emerson
House Committee: Local Government
and Urban Policy
Senate Committee: Local, Urban and
State Affairs

THE APPARENT PROBLEM:

During the last legislative session, the Genesee County Commission and the Flint City Council explored the possibility of merging their libraries, in order to ensure that the city library which was cash-strapped would be able to continue in operation. In order to allow the merger, the legislature passed an amendment to the District Library Establishment Act, so that Genesee County and any municipality within the county could jointly establish a consolidated district library. The amendment—crafted with a particular population stipulation—was drafted to apply only to Genesee County.

After the legislature amended the law to allow for a consolidated district library in Genesee County, the residents of the City of Flint voted to levy a 2-mill perpetual millage on property within the city, and earmarked that revenue for city library operations. Now both the city and county library can continue to operate as separate library systems.

Because the provision of the law that allows a Genesee County consolidated district library is no longer needed, legislation has been introduced to eliminate the provision.

THE CONTENT OF THE BILL:

The bill would amend the District Library Establishment Act to repeal Section 25a of the Act, which allows a county with a population between 400,000 and 500,000 (Genesee County) and one or more municipalities jointly to establish a consolidated district library.

Under the Act, a municipality or part of a municipality other than a school district may become party to an existing district library agreement if the agreement's requirements concerning the addition of a participating municipality are met or, if there are no such requirements, if the following requirements are

met: the legislative body of the municipality resolves by majority vote that the municipality become a participating municipality and that all or a portion of its territory be added to the district; the resolution is conditioned upon the library board's adoption of amendments to the agreement; and the library board amends the agreement by majority vote of its members. If the established district levies a district-wide library tax, the library board must condition acceptance of the municipality or portion of the municipality on the approval of the majority of voters in the municipality or portion voting on the proposal.

Currently, an existing district library may change the number of mills authorized in the agreement if one or more municipalities or parts of municipalities join the existing district library district. The change in the number of mills to be levied in the district is contingent on approval of a majority of the voters of the existing district and the approval of a majority of the voters of each municipality or part of a municipality seeking to join the existing district. Defeat of the proposal by the electors of the existing district does not have any effect on the validity of the district library's continued levy of the previously authorized millage.

MCL 397.195

HOUSE COMMITTEE ACTION:

The members of the House Committee on Local Government and Urban Policy adopted one amendment to the Senate-passed version of the bill to strike a provision added by the Senate Committee on Local, Urban and State Affairs. The Senate committee's amendment would have applied to counties with a population between 12,000 and 18,000 residents and would have restricted their authority to change the number of authorized mills in a district library agreement. (According to Senate

Fiscal Agency, seven counties fall within this range: Arenac, Benzie, Crawford, Gogebic, Iron, Missaukee, and Presque Isle.)

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill has no fiscal impact. (12-1-03)

ARGUMENTS:

For:

Because the voters of Flint, Michigan have voted for a 2-mill perpetual millage whose revenue will fund the operation of their city library, the amendment to the District Library Act—passed during the last legislative session—that would have allowed the city library to consolidate with the county district library is no longer needed. This legislation repeals that unnecessary provision of the law.

POSITIONS:

The Michigan Townships Association indicated support for the bill as amended. (12-18-03)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.