

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 512

A bill to amend 1989 PA 24, entitled
"The district library establishment act,"
by amending sections 2, 3, 4, 11, 12, 15, 19, 20, 21, 23, and 24
(MCL 397.172, 397.173, 397.174, 397.181, 397.182, 397.185, 397.189,
397.190, 397.191, 397.193, and 397.194), sections 2 and 3 as
amended by 2001 PA 64, section 11 as amended by 2002 PA 159,
section 12 as amended by 2002 PA 540, and section 15 as amended by
1994 PA 114, and by adding sections 3a and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Agreement" means a district library agreement required by

1 section 3 or the agreement governing a district library established
2 ~~pursuant to~~ **UNDER** former 1955 PA 164.

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

4 (c) "Department" means the department of history, arts, and
5 libraries.

6 (d) "District" means the territory of the participating
7 municipalities that is served by a district library established
8 ~~pursuant to~~ **UNDER** this act.

9 (e) "General election" means that term as defined in the
10 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

11 (f) "Largest" means, if used in reference to a participating
12 school district, the participating school district having the most
13 electors voting at the last regularly scheduled school board
14 election in the participating school district.

15 (g) "Largest" means, if used in reference to a county, the
16 county having the most registered electors of a district as last
17 reported to the county clerk ~~pursuant to~~ **UNDER** section 661 of the
18 Michigan election law, 1954 PA 116, MCL 168.661.

19 (h) "Legislative body" means, if the municipality is a school
20 district, the school board.

21 (i) "Municipality" means a city, village, school district,
22 township, or county. **MUNICIPALITY SHALL NOT INCLUDE A SCHOOL**
23 **DISTRICT FOR THE PURPOSE OF ESTABLISHING A NEW DISTRICT LIBRARY**
24 **AFTER JANUARY 1, 2015.**

25 (j) "Participating" means, in reference to a municipality,
26 that the municipality is a party to an agreement.

27 (k) "School district" means 1 of the following but does not

1 include a primary school district or a school district that holds
2 meetings rather than elections:

3 (i) "Local act school district" as defined in section 5 of the
4 revised school code, 1976 PA 451, MCL 380.5.

5 (ii) "Local school district" as that term is used in the
6 revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

7 (l) "State librarian" means the librarian appointed ~~pursuant~~
8 ~~to~~ **UNDER** section 5 of the library of Michigan act, 1982 PA 540,
9 MCL 397.15.

10 Sec. 3. (1) ~~Two~~ **EXCEPT AS OTHERWISE PROVIDED UNDER**
11 **SUBSECTION (13), 2** or more municipalities, except 2 or more school
12 districts that hold their regularly scheduled elections on
13 different dates, authorized by law to establish and maintain a
14 library or library services may jointly establish a district
15 library if each of the following requirements is satisfied:

16 (a) If the proposed district contains a public library, other
17 than a district library established under this act, and that public
18 library is recognized by the department as lawfully established for
19 purposes of the distribution of state aid and penal fines, the
20 governing board of the public library approves the establishment of
21 the district library.

22 (b) The legislative body of each municipality identified in
23 the agreement described in section 4 adopts a resolution providing
24 for the establishment of a district library and approving a
25 district library agreement.

26 (c) The proposed district library district does not overlap
27 any portion of another district library district.

1 (2) A participating municipality may provide in the resolution
2 required by subsection (1) that only a portion of its territory is
3 included in the district library district. Except as provided in
4 subsection (3), the portion of a participating municipality
5 included in a district library district shall be bounded by county,
6 township, city, village, or school district boundaries.

7 (3) A ~~participating municipality other than a county~~ **CITY,**
8 **VILLAGE, OR TOWNSHIP** may exclude from a district library district
9 only that portion of the municipality's territory located within
10 the boundaries of a public library that is all of the following:

11 (a) Recognized by the department as lawfully established for
12 the purposes of the distribution of state aid and penal fines.

13 (b) Established under this act or any of the following acts:

14 (i) 1877 PA 164, MCL 397.201 to 397.217.

15 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
16 380.1852.

17 (iii) 1917 PA 138, MCL 397.301 to 397.305.

18 (4) On or before October 1, 1998, the boards of district
19 libraries having common jurisdiction over parcels of taxable
20 property shall file with the state librarian copies of resolutions
21 adopted by each, together with a copy of a map described in
22 subsection (5), certifying the exclusion of territory from one or
23 the other of the district library districts. The resolution and the
24 map shall demonstrate that no parcels of taxable property remain
25 within more than 1 district library district and shall additionally
26 demonstrate that the remaining district library districts are each
27 composed of a contiguous whole. If the boards of district library

1 districts having common jurisdiction over parcels of taxable
 2 property have not filed such resolutions and maps with the state
 3 librarian by October 1, 1998, the department shall approve a change
 4 in the boundaries of those district libraries, eliminating the
 5 overlapped territory. The department shall obtain a statement
 6 identifying the parcels that are located in the overlapping
 7 territory from the treasurer of each county within which the
 8 district library district is located and a statement of the date on
 9 which such parcels were first included within the territory of a
 10 district library district established in accordance with this act.
 11 The department shall direct the district library board to ensure
 12 that any parcel that was originally located within the boundaries
 13 of a district library district remain in that original district
 14 library district and be excluded from the territories of the other
 15 district library districts in which it is located.

16 (5) Participating municipalities that propose to establish a
 17 district library shall file with the state librarian ~~all~~ **BOTH** of
 18 the following:

19 (a) A copy of an agreement described in section 4 that
 20 identifies the proposed library district.

21 (b) A copy of a map or drawing that is no smaller than 8-1/2
 22 by ~~13~~ **11** inches or larger than 14 by 18 inches and clearly shows
 23 the territory proposed to be included in the district library
 24 district.

25 ~~—— (c) A map that unambiguously shows~~ **THE MAP SHALL**
 26 **UNAMBIGUOUSLY SHOW** the relationship of the proposed district
 27 library district to the adjacent and constituent units of

1 government, which include counties, cities, villages, townships,
2 school districts, and district libraries.

3 (6) The state librarian shall review the agreement described
4 in ~~subsection (5)(a)~~ **SECTION 4 AND THE MAP DESCRIBED IN**
5 **SUBSECTION [(5)(B)]** and approve or disapprove of the proposed
6 district library district in accordance with section 5. **THE**
7 **PARTICIPATING MUNICIPALITIES SHALL COOPERATE WITH THE STATE**
8 **LIBRARIAN TO CORRECT ANY ERRORS OR CHANGES IN THE AGREEMENT OR MAP**
9 **THAT THE STATE LIBRARIAN CONSIDERS NECESSARY TO COMPLY WITH THIS**
10 **ACT.**

11 (7) Upon receiving notice of the state librarian's approval of
12 an agreement described in section 4, upon receiving notice of a
13 directive from the department in accordance with subsection (4), or
14 upon expiration of the 10-day period described in subsection (11),
15 the secretary of the board of the affected district library shall
16 submit to the county treasurer of each county in which the district
17 library district is located and to the treasurer of each
18 municipality in which the district library district is located a
19 copy of all of the following:

20 (a) The state librarian's written statement of approval for
21 the district library issued in accordance with section 5 or the
22 department's directive received in accordance with subsection (4).

23 (b) The map or drawing of the district library's territory
24 described in subsection (5)(b).

25 (c) If the district library includes only a portion of a
26 municipality, the tax identification number of each parcel of
27 property within that municipality which is included in the district

1 library district.

2 (8) Once an agreement is approved by the state librarian, the
3 **AGREEMENT AND** boundaries of a district library established under
4 this act may be amended to do only the following:

5 (a) Provide for the withdrawal of a participating municipality
6 in accordance with section 24.

7 (b) Add a participating municipality in accordance with
8 section 25.

9 **(C) PROVIDE FOR THE MERGING OF 2 OR MORE DISTRICT LIBRARIES.**

10 **(D) ~~-(e)-~~** Eliminate certain territory in accordance with
11 subsection (10).

12 (9) For any amendment described in subsection (8), the
13 secretary of the board of the district library shall file with each
14 of the following a copy of the map or drawing of the amended
15 boundaries approved by the participating municipalities:

16 (a) The county treasurer of each county in which the district
17 library is situated.

18 (b) The department.

19 (10) A district library recognized by the legislative council
20 before December 29, 1997 may amend its boundaries to eliminate
21 territory located within the legal boundaries of a public library
22 or another district library district, if that public library or
23 other district library is recognized by the department as lawfully
24 established for the purposes of the distribution of state aid and
25 penal fines. The procedures for amending an agreement under section
26 5 do not apply to a boundary amendment described in this
27 subsection. A district library that amends its boundaries under

1 this subsection shall meet all of the following requirements:

2 (a) The board of the district library adopts a resolution
3 designating the territory to be excluded from its boundaries.

4 (b) The proposed amended boundaries exclude only that
5 territory which is within the legal boundaries of a public library
6 established under this act or any of the following acts and
7 recognized by the department as lawfully established for the
8 purposes of the distribution of state aid and penal fines:

9 (i) 1877 PA 164, MCL 397.201 to 397.217.

10 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
11 380.1852.

12 (iii) 1917 PA 138, MCL 397.301 to 397.305.

13 (c) The district library files with the state librarian a copy
14 of the resolution of the board described in subdivision (a)
15 together with a map or drawing that complies with the requirements
16 of subsection (5)(b).

17 (11) If a district library complies with subsection (4) or
18 (10) and the state librarian does not disapprove the amended
19 boundaries within 10 business days after receiving the map or
20 drawing described in subsection (10)(c), the boundaries are
21 amended.

22 (12) The territory that has been excluded from any district
23 library district under subsection (4) or (10) shall remain a part
24 of the district library district from which it has been excluded
25 for the purpose of levying debt retirement taxes for bonded
26 indebtedness of the district library district that exists on
27 December 29, 1997. The territory shall remain a part of that

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1 district library district until the bonds are redeemed or
2 sufficient funds are available in the debt retirement fund of the
3 district library for that purpose.

4 (13) EXCEPT FOR A SCHOOL DISTRICT AND WITH THE APPROVAL OF THE
5 STATE LIBRARIAN, A SINGLE MUNICIPALITY MAY ESTABLISH A DISTRICT
6 LIBRARY UNDER THIS SECTION IF EACH OF THE FOLLOWING REQUIREMENTS IS
7 SATISFIED:

8 (A) THE MUNICIPALITY HAS MADE AN ASSERTIVE EFFORT OVER A
9 PERIOD OF TIME OF NOT LESS THAN 3 CONSECUTIVE YEARS TO FORM A
10 DISTRICT LIBRARY WITH 1 OR MORE OTHER MUNICIPALITIES.

11 (B) THE MUNICIPALITY HAS SUBMITTED TO AND RECEIVED THE STATE
12 LIBRARIAN'S APPROVAL OF A PLAN OF SERVICE.

13 (C) THE MUNICIPALITY HAS A POPULATION OF [4,500] OR MORE.

14 (D) THE MUNICIPALITY IS OTHERWISE QUALIFIED AND MEETS THE
15 REQUIREMENTS OF A DISTRICT LIBRARY UNDER THIS ACT.

16 (E) ANY OTHER REQUIREMENTS CONSIDERED NECESSARY BY THE STATE
17 LIBRARIAN TO ENSURE THAT A DISTRICT LIBRARY CREATED UNDER THIS
18 SECTION COMPLIES WITH THE INTENT OF THIS ACT.

19 [SEC. 3A. (1) UPON PETITION BY NOT LESS THAN 5% OF THE REGISTERED
20 ELECTORS RESIDING IN THE AFFECTED MUNICIPALITY, MUNICIPALITIES, OR THE
21 PORTION OF A MUNICIPALITY, REQUESTING A REFERENDUM ON THE QUESTION OF
22 BECOMING A DISTRICT LIBRARY OR JOINING AN EXISTING DISTRICT LIBRARY, THE
23 CLERK OF EACH AFFECTED MUNICIPALITY, UPON VERIFYING THE REQUIRED NUMBER
24 OF SIGNATURES ON THE PETITIONS, SHALL FILE A COPY OF THE PETITION WITH
25 THE DEPARTMENT AND SUBMIT THE QUESTION OF WHETHER THE MUNICIPALITY SHOULD
26 BECOME A PARTICIPATING MUNICIPALITY TO THE VOTE OF THE ELECTORS OF THE
27 MUNICIPALITY AT THE NEXT GENERAL ELECTION OR SPECIAL ELECTION CALLED FOR

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1 THAT PURPOSE AND CONDUCTED IN ACCORDANCE WITH THE MICHIGAN ELECTION LAW,
2 1954 PA 116, MCL 168.1 TO 168.992.

3 (2) IF THE QUESTION OF THE PETITION UNDER SUBSECTION (1) RELATES TO
4 THE JOINING OF AN EXISTING DISTRICT LIBRARY, BEFORE CIRCULATING THE
5 PETITION FOR SIGNATURES, THE SUPPORTERS OF THE PETITION MAY SUBMIT THE
6 PROPOSAL AND THE PETITION LANGUAGE TO THE EXISTING DISTRICT LIBRARY BOARD
7 FOR REVIEW AND APPROVAL. THE DISTRICT LIBRARY BOARD SHALL VOTE BY
8 RESOLUTION TO ACCEPT OR REJECT THE PROPOSED NEW PARTICIPATING
9 MUNICIPALITY WITHIN 30 DAYS OF RECEIVING A COPY OF THE PROPOSED PETITION.
10 IF THE PROPOSAL IS APPROVED BY THE DISTRICT LIBRARY BOARD AND THE
11 REFERENDUM IS PASSED BY THE ELECTORS, THE DISTRICT LIBRARY SHALL AMEND
12 ITS AGREEMENT TO INCORPORATE THE NEW PARTICIPATING MUNICIPALITY.

13 (3) THE REFERENDUM SUBMITTED TO THE ELECTORS UNDER THIS SECTION
14 SHALL INCLUDE A REQUEST FOR A MILLAGE TO FUND THE NEW DISTRICT OR THE
15 MUNICIPALITY'S OBLIGATION TO THE EXISTING DISTRICT. FOR DISTRICT
16 LIBRARIES WITH APPOINTED BOARDS, THE REFERENDUM SHALL INCLUDE LANGUAGE
17 REGARDING THE APPOINTMENT OF NEW MEMBERS TO REPRESENT ANY NEW
18 PARTICIPATING MUNICIPALITY.

19 (4) IF APPROVED BY A MAJORITY OF THE ELECTORS IN THE AFFECTED
20 MUNICIPALITY VOTING ON THE QUESTION, THE MUNICIPALITY SHALL PROCEED TO
21 BECOME A PARTICIPATING MUNICIPALITY IN THE MANNER PROVIDED UNDER THIS
22 ACT.

23 (5) A NEW DISTRICT LIBRARY ESTABLISHED UNDER THIS SECTION SHALL
24 CONSIST OF 2 OR MORE MUNICIPALITIES AND BE GOVERNED BY AN ELECTED BOARD
25 AS PROVIDED UNDER SECTION 11. THE BOARD REQUIRED UNDER THIS SUBSECTION
26 SHALL BE ELECTED NOT LATER THAN 1 YEAR FROM THE DATE THE ELECTORS APPROVE
27 THE NEW DISTRICT.

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1 (6) IF A NEW DISTRICT LIBRARY IS CREATED UNDER THIS SECTION, EACH
2 PARTICIPATING MUNICIPALITY SHALL APPOINT MEMBERS TO AN INTERIM GOVERNING
3 BOARD IN A NUMBER PROPORTIONAL TO ITS POPULATION IN RELATIONSHIP TO THE
4 ENTIRE DISTRICT. THE INTERIM BOARD SHALL PREPARE AND SUBMIT THE AGREEMENT
5 AND MAP REQUIRED BY THIS ACT TO THE DEPARTMENT NO LATER THAN 180 DAYS
6 FROM THE DATE THE ELECTORS APPROVE THE NEW DISTRICT. IF THE AGREEMENT AND
MAP ARE NOT SUBMITTED AS REQUIRED BY THIS SUBSECTION, THE AGREEMENT AND
MAP SHALL BE PREPARED BY THE STATE LIBRARIAN.

(7) IF THE DISTRICT LIBRARY BOARD HAS NOT APPROVED THE NEW
PARTICIPATING MUNICIPALITY UNDER SUBSECTION (2) AND THE PETITION IS
SUBMITTED TO THE ELECTORS FOR APPROVAL AND PASSES, THE BOARD OF THE
DISTRICT LIBRARY SHALL VOTE WITHIN 30 DAYS FOLLOWING CERTIFICATION OF THE
ELECTION RESULTS WHETHER TO ACCEPT OR REJECT THE NEW PROPOSED
PARTICIPATING MUNICIPALITY. IF THE NEW PARTICIPATING MUNICIPALITY IS
ACCEPTED, THE DISTRICT LIBRARY SHALL AMEND ITS AGREEMENT TO INCORPORATE
THE NEW PARTICIPATING MUNICIPALITY.]

7 SEC. 3B. (1) TWO OR MORE DISTRICT LIBRARIES MAY MERGE IF ALL
8 OF THE FOLLOWING REQUIREMENTS ARE SATISFIED:

9 (A) THE GOVERNING BOARDS OF THE DISTRICT LIBRARIES BY MAJORITY
10 VOTE APPROVE THAT THE DISTRICT LIBRARIES MERGE AND THAT ALL
11 TERRITORY LOCATED WITHIN THEIR JURISDICTIONAL SERVICE AREAS ARE
12 INCLUDED IN THE MERGER.

13 (B) THE APPROVING RESOLUTION IS CONDITIONED UPON MAJORITY VOTE
14 OF APPROVAL BY THE GOVERNING BOARDS OF ALL PARTICIPATING
15 MUNICIPALITIES, WITHIN A PERIOD OF TIME SPECIFIED IN THE
16 RESOLUTION.

17 (C) BY A MAJORITY VOTE OF THE MEMBERS OF THE DISTRICT LIBRARY
18 BOARDS, AMEND THE AGREEMENT TO REFLECT THE MERGER OF THE LIBRARIES
19 AND THE TERRITORY SERVED BY THE MERGER.

20 (D) THE AMENDMENTS TO THE AGREEMENT SHALL INCLUDE, BUT ARE NOT
21 LIMITED TO, CHANGES IN BOARD REPRESENTATION, THE PERCENTAGE OF
22 FUNDS NECESSARY FROM EACH PARTICIPATING MUNICIPALITY FOR THE
23 ESTABLISHMENT AND OPERATION OF THE MERGED DISTRICT LIBRARIES, A
24 REVISED LEGAL DESCRIPTION OF THE DISTRICT, AND A MAP THAT CLEARLY

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25 SHOWS THE REVISED SERVICE AREA OF THE NEW DISTRICT LIBRARY.

26 (E) THAT ALL AMENDMENTS AND RESOLUTIONS ARE SUBMITTED TO THE
27 STATE [LIBRARIAN].

(2) IF THERE IS A DISTRICTWIDE LIBRARY TAX BEING LEVIED BY A PARTICIPATING LIBRARY AT THE TIME OF THE MERGER, THE TAX WILL REMAIN IN EFFECT AND CAN BE CONSIDERED AS A PORTION OR ALL OF THAT LIBRARY'S CONTRIBUTION IN THE MERGER. A DISTRICTWIDE TAX WILL BE EXTINGUISHED UPON THE APPROVAL OF A MERGED DISTRICT LIBRARY DISTRICTWIDE TAX BY THE MAJORITY OF THE ELECTORATE RESIDING IN THE MERGED DISTRICT LIBRARIES' JURISDICTIONAL LIMITS.

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

(A) THE NAME OF THE DISTRICT. FOR A DISTRICT THAT IS CREATED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 3A, THE NAME SHALL INCLUDE THE WORD "DISTRICT".

(B) ~~(a)~~ The identity of the municipalities establishing the district library.

(C) ~~(b)~~ The **CREATION OF A BOARD TO GOVERN THE OPERATION OF THE DISTRICT AND THE** method of selection of board members, whether by election or appointment. ~~if~~ **IF BOARD MEMBERS ARE SELECTED** by appointment, ~~their~~ **THE AGREEMENT SHALL PROVIDE FOR THE** term of office, the total number of board members, and the number of board members to be appointed by the legislative body of each participating municipality. ~~and, if~~ **IF BOARD MEMBERS ARE SELECTED** by election, the **AGREEMENT SHALL PROVIDE FOR THE** number of provisional board members to be appointed by the legislative body of each participating municipality.

(D) ~~(e)~~ Of the amount of money to be stated in the annual budget ~~pursuant to~~ **UNDER** section 13, the percentage to be

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supplied by each participating municipality.

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

(F) ~~-(e)-~~ A period of time after the effective date of the agreement, not less than 1 year, during which the adoption of a resolution to withdraw from the district library ~~-pursuant to~~ **UNDER** section 24 shall be void.

(G) ~~-(f)-~~ Any distribution of district library assets to take place upon the withdrawal of a participating municipality.

(H) ~~-(g)-~~ Any other necessary provisions regarding the district library.

(2) A district library agreement may provide that the district library board is abolished and the district library terminates unless, on or before a date stated in the agreement, the district electors approve a district library millage at a rate not less than a minimum number of mills stated in the agreement. If the district library agreement contains such a provision, the district library agreement shall specify the manner in which the net assets of the district library shall be distributed to the participating municipalities upon termination and shall contain a plan for continuing public library service to all residents of the district after termination.

Sec. 11. (1) ~~-All-~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (2) [AND (3)], ALL** of the following apply to an election of board members of a district library: ~~-unless a school district is a participating municipality and subsection (2) imposes a different~~

1 ~~requirement:~~

2 (a) If an agreement prescribes elected board members, the
3 board shall consist of 7 members elected at large from the
4 district.

5 (b) If an agreement prescribes elected board members, a
6 provisional board of 7 members shall be appointed. The members of
7 the provisional board shall hold office until their successors are
8 elected and qualified.

9 (c) The first election of board members shall take place at
10 the first general election held 140 days or more after the
11 appointment of the first member of the provisional board. The 4
12 persons receiving the most votes at the first election for board
13 members shall have 4-year terms, and the 3 remaining persons
14 elected to the board shall have 2-year terms. After the first
15 election, board members shall be elected at general elections for
16 4-year terms that begin on January 1 following the election.

17 (d) Board members shall be elected on nonpartisan ballots.

18 (e) Subject to subdivision (f), a nomination for the office of
19 board member shall be by nonpartisan petitions signed by registered
20 electors of the district. The number of signatures shall be as
21 follows:

22 (i) For a district with a population of less than 10,000, not
23 less than 6 or more than 20.

24 (ii) For a district with a population of 10,000 or more, not
25 less than 40 or more than 100.

26 (f) In lieu of the nominating petition prescribed in this
27 subsection, an individual may file a \$100.00 nonrefundable fee to

1 have his or her name placed on the ballot.

2 (g) A nominating petition or filing fee shall be filed with
3 the clerk of the largest county not later than 4 p.m. of the day
4 110 days before the date of the election. The county clerk with
5 whom nominating petitions or filing fees are filed shall certify
6 the names of the candidates to the clerk of every other county in
7 which all or part of a participating municipality is located.

8 (h) A vacancy in the office of a board member shall be filled
9 until the expiration of the vacating board member's term by
10 appointment by majority vote of the remaining board members.
11 ~~However, if~~ **IF** the vacancy occurs 140 or more days ~~or, if a~~
12 ~~school district is a participating municipality, 13 or more Mondays~~
13 before the first regularly scheduled election of board members that
14 follows the beginning of the term of the board member vacating
15 office and that term is 4 years, all of the following apply:

16 (i) The vacancy shall be filled by appointment by majority vote
17 of the remaining board members only until the next date on which
18 the term of any board member expires.

19 (ii) A board member shall be elected at the regularly scheduled
20 election of board members next following the occurrence of the
21 vacancy to fill the vacancy for the remainder of the term of the
22 board member vacating office.

23 (2) If a school district is a participating municipality, the
24 following apply to an election of board members for a district
25 library:

26 (a) The first election of board members shall take place at
27 the same time as the first regularly scheduled election of school

board members in the largest participating school district occurring on or after the thirteenth Monday following the appointment of the first member of the provisional board. The term of office of an elected member of the board shall begin at the same time as the term of a school board member elected at the same election in the largest participating school district.

(b) Subject to subdivision (c), a nomination for the office of board member shall be by a petition meeting to the extent applicable the same requirements, including filing requirements, as a nominating petition for the office of school board member in the largest participating school district. ~~However, the~~ **THE** petition shall be filed not later than 4 p.m. of the ~~ninth Monday~~ **TWELFTH TUESDAY** preceding the election. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(c) In lieu of the nominating petition prescribed under subdivision (b), an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot. A nominating petition or filing fee shall be filed with the ~~secretary of the~~ school ~~board of~~ **DISTRICT ELECTION COORDINATOR FOR** the largest participating school district. The ~~secretary of that~~ school ~~board~~ **DISTRICT ELECTION COORDINATOR** shall certify the names of the candidates and the date of the election to the ~~secretary of the~~ school ~~board~~ **DISTRICT ELECTION COORDINATOR** of every other

1 participating school district and to the election officials
2 authorized by this act to conduct the election in each
3 participating municipality all or a portion of which is located
4 within a nonparticipating school district.

5 **(3) THE AGREEMENT MAY BE AMENDED TO COORDINATE THE TERMS AND**
6 **ELECTION OF BOARD MEMBERS WITH THE TERMS AND ELECTION OF OTHER**
7 **SCHOOL OR MUNICIPAL OFFICIALS.**

8 Sec. 12. (1) A board may do 1 or more of the following:

9 (a) Establish, maintain, and operate a public library for the
10 district.

11 (b) Appoint and remove officers from among its members.

12 (c) Appoint and remove a librarian and necessary assistants
13 and fix their compensation.

14 (d) ~~Acquire~~ **PURCHASE, SELL, CONVEY, LEASE, OR OTHERWISE**
15 **ACQUIRE OR DISPOSE OF** real or personal property, ~~for use for~~
16 ~~library purposes by purchase, land contract, installment purchase~~
17 ~~contract, lease with or without option to purchase, or title~~
18 ~~retaining contract~~ **INCLUDING, BUT NOT LIMITED TO, LAND CONTRACTS**
19 **AND INSTALLMENT PURCHASE CONTRACTS.**

20 (e) Erect buildings.

21 (f) Supervise and control district library property.

22 (g) Enter into a contract to receive library-related service
23 from or give library-related service to a library or a municipality
24 within or without the district.

25 (h) Adopt bylaws and regulations, not inconsistent with this
26 act, governing the board and the district library.

27 (i) Propose and levy upon approval of the electors as provided

1 in this act a tax for support of the district library.

2 (j) Borrow money pursuant to the district library financing
3 act, 1988 PA 265, MCL 397.281 to 397.290.

4 (k) Issue bonds pursuant to the district library financing
5 act, 1988 PA 265, MCL 397.281 to 397.290.

6 (l) Accept gifts and grants for the district library.

7 (m) Do any other thing necessary for conducting the district
8 library service, the cost of which shall be charged against the
9 district library fund.

10 (2) A board may reimburse a board member for necessary
11 expenses that the member incurs in the performance of official
12 duties. A board may compensate board members for attending **OFFICIAL**
13 meetings of the board **OR COMMITTEES OF THE BOARD** and shall include
14 the amount of compensation in the annual budget. Compensation shall
15 not exceed \$30.00 per board member per meeting. A board member
16 shall not be compensated for attending more than 52 meetings per
17 year.

18 (3) Money for the district library shall be paid to the board
19 and deposited in a fund known as the district library fund. The
20 board shall exclusively control the expenditure of money deposited
21 in the district library fund.

22 Sec. 15. (1) A ballot proposal for a districtwide tax shall
23 state the amount of the millage. If section 13(4) limits the
24 maximum duration of a portion of the millage in a ballot proposal
25 for a districtwide tax, the ballot proposal shall state the
26 proposed duration of that portion of the millage.

27 (2) If none of the participating municipalities are a school

1 district, a proposal for a districtwide tax shall not be placed on
 2 the ballot unless the proposal is adopted by a resolution of the
 3 board and certified by the board not later than 60 days before the
 4 election to the county clerk of each county in which all or part of
 5 the district is located for inclusion on the ballot. The proposal
 6 shall be certified for inclusion on the ballot at the next general
 7 election, the state primary immediately preceding the general
 8 election, or a special election ~~not occurring within 45 days of a~~
 9 ~~state primary or a general~~ **HELD ON AN OTHERWISE REGULARLY**
 10 **SCHEDULED** election **DATE**, as specified by the board's resolution.

11 (3) If 1 or more of the participating municipalities are
 12 school districts, a proposal for a districtwide tax shall not be
 13 placed on the ballot unless the proposal is adopted by a resolution
 14 of the board and certified by the board not later than 60 days
 15 before the election to the ~~secretary of the~~ school ~~board~~
 16 **DISTRICT ELECTION COORDINATOR** of the largest participating school
 17 district. The board shall certify the proposal for inclusion on the
 18 ballot at the next regularly scheduled election of school board
 19 members in the largest participating school district or at a
 20 special election ~~not occurring within 45 days of a state primary~~
 21 ~~or a general~~ **HELD ON AN OTHERWISE REGULARLY SCHEDULED** election
 22 **DATE**, as specified by the board's resolution. The school ~~board~~
 23 ~~secretary~~ **DISTRICT ELECTION COORDINATOR** to whom the ballot
 24 proposal was certified shall promptly certify the proposal and date
 25 of election to the ~~secretary of the~~ school ~~board~~ **DISTRICT**
 26 **ELECTION COORDINATOR** of every other participating school district
 27 and to the election officials authorized by this act to conduct the

1 election in the participating municipalities or the portions of
 2 participating municipalities located within a nonparticipating
 3 school district.

4 ~~—— (4) If a special election is requested, within 10 days after~~
 5 ~~receiving the proposal, the school board secretary to whom the~~
 6 ~~resolution was certified by the board or the county clerk of the~~
 7 ~~largest county shall request approval of a special election date~~
 8 ~~from the county election scheduling committee of the school board~~
 9 ~~secretary's school district or the clerk's county. The proposal~~
 10 ~~shall be submitted to the qualified and registered electors~~
 11 ~~residing in the district on the date approved by that county~~
 12 ~~election scheduling committee.~~

13 (4) ~~—(5)—~~ If a majority of the votes cast on the question of a
 14 districtwide tax is in favor of the proposal, the tax levy is
 15 authorized. No more than 2 elections shall be held in a calendar
 16 year on a proposal for a districtwide tax.

17 Sec. 19. If 1 or more participating municipalities are school
 18 districts, the ~~secretary of the school board~~ **DISTRICT ELECTION**
 19 **COORDINATOR** of each participating school district shall provide for
 20 the printing of ballots for that school district. The ~~secretary of~~
 21 ~~the school board~~ **DISTRICT ELECTION COORDINATOR** of the largest
 22 participating school district shall provide ballots for an election
 23 for board members or a districtwide tax for a participating
 24 municipality or part of a participating municipality located within
 25 a nonparticipating school district.

26 Sec. 20. If 1 or more participating municipalities are school
 27 districts, the election for board members or a districtwide tax

1 shall be conducted as follows:

2 (a) The ~~officials~~ **SCHOOL DISTRICT ELECTION COORDINATOR**
3 otherwise authorized by law to conduct elections in a participating
4 school district shall conduct the election in that school district.

5 (b) If all or a portion of the participating municipality is
6 located within a nonparticipating school district that is holding
7 an election on the same day as the election for board members or a
8 districtwide tax, the ~~officials~~ **SCHOOL DISTRICT ELECTION**
9 **COORDINATOR** authorized by law to conduct elections in the
10 nonparticipating school district shall conduct the election for
11 board members or a districtwide tax in the participating
12 municipality or that portion of the participating municipality
13 located within the nonparticipating school district. The qualified
14 and registered electors of the participating municipality that
15 reside within the nonparticipating school district shall vote in
16 the election for board members or a districtwide tax by special
17 ballot at their regular polling places in the election in the
18 nonparticipating school district. Those qualified and registered
19 electors shall be identified from the registration records of the
20 nonparticipating school district or from a list of the names,
21 addresses, and birth dates of qualified and registered electors of
22 the participating municipality who reside in the nonparticipating
23 school district and are eligible to vote in elections for board
24 members or a districtwide tax. ~~Such a~~ **THE** list shall be supplied
25 and updated by the clerk of the participating municipality at the
26 request of the ~~secretary of the school board~~ **DISTRICT ELECTION**
27 **COORDINATOR** or other official authorized by law to conduct the

1 election.

2 (c) If all or a portion of a participating municipality is
3 located within a nonparticipating school district that is not
4 holding an election on the same day as the election for board
5 members or a districtwide tax, the ~~officials~~ **SCHOOL DISTRICT**
6 **ELECTION COORDINATOR** authorized by law to conduct elections in the
7 participating municipality shall conduct the election for board
8 members or a districtwide tax in the participating municipality or
9 that portion of the participating municipality located within the
10 nonparticipating school district.

11 Sec. 21. (1) If an election for district board members or a
12 districtwide tax is conducted by a participating school district
13 ~~pursuant to~~ **UNDER** section 20(a), the ~~official~~ **SCHOOL DISTRICT**
14 **ELECTION COORDINATOR** required by law to publish notices of the
15 close of registration and election for a school district election
16 in that school district shall publish the notices for the election
17 for board members or a districtwide tax in that school district.

18 (2) If an election for board members or a districtwide tax is
19 conducted in a participating municipality or a portion of a
20 participating municipality by a nonparticipating school district,
21 ~~pursuant to~~ **UNDER** section 20(b), the ~~official~~ **SCHOOL DISTRICT**
22 **ELECTION COORDINATOR** required by law to publish the notices of
23 close of registration and election for a school district election
24 in that school district shall publish the notices for the election
25 for board members or a districtwide tax for the participating
26 municipality or portion of a participating municipality located
27 within that school district. The notices of close of registration

1 and election shall designate the participating municipality for all
2 or a portion of which the election is being conducted ~~pursuant to~~
3 **UNDER** section 20(b).

4 (3) If an election for board members or a districtwide tax is
5 conducted by a participating municipality ~~pursuant to~~ **UNDER**
6 section 20(c), the clerk of the participating municipality shall
7 publish notices of close of registration and election for the
8 participating municipality or that portion of the participating
9 municipality located in the nonparticipating school district.

10 (4) A notice of close of registration published under this
11 section shall contain the ballot language of the proposal.

12 Sec. 23. (1) A county clerk shall charge the district library
13 and the district library shall reimburse the county for the actual
14 costs the county incurs in an election for board members or a
15 districtwide tax.

16 (2) If a participating township, city, or village conducts an
17 election for district library board members or a districtwide tax,
18 the clerk of that municipality shall charge the district library
19 and the district library shall reimburse the municipality for the
20 actual costs the municipality incurs in conducting the election if
21 1 or more of the following apply:

22 (a) The election is not held in conjunction with a regularly
23 scheduled election in that municipality.

24 (b) Only a portion of the territory of the municipality is
25 included in the district.

26 (c) The election is conducted ~~pursuant to~~ **UNDER** section
27 20(c) in conjunction with a regularly scheduled election in the

1 municipality and a portion of the municipality lies within the
2 boundaries of a nonparticipating school district.

3 (3) If ~~a school district conducts~~ an election for district
4 library board members or a districtwide tax **IS HELD IN CONJUNCTION**
5 **WITH THE REGULAR ELECTION OF A PARTICIPATING SCHOOL DISTRICT**, the
6 ~~officials~~ **SCHOOL DISTRICT ELECTION COORDINATOR** authorized by law
7 to conduct the election shall charge the district library and the
8 district library shall reimburse the school district for the
9 ~~actual~~ **ADDITIONAL** costs that the school district incurs in
10 conducting the election. ~~if 1 or more of the following apply:~~

11 ~~—— (a) The school district is a participating school district and~~
12 ~~the election is not held in conjunction with a regularly scheduled~~
13 ~~election in that school district.~~

14 ~~—— (b) The school district is a nonparticipating school district~~
15 ~~conducting the election for a participating municipality all or~~
16 ~~part of which is located within the school district.~~

17 (4) In addition to costs reimbursed ~~pursuant to~~ **UNDER**
18 subsection (1), (2), or (3), a municipality shall charge the
19 district library and the district library shall reimburse the
20 municipality for actual costs that the municipality incurs and that
21 are exclusively attributable to an election for board members or a
22 districtwide tax.

23 (5) The actual costs that a county, township, city, village,
24 or school district incurs shall be based on the number of hours of
25 work done in conducting the election, the rates of compensation of
26 the workers, and the cost of materials supplied in the election.

27 Sec. 24. (1) Except to the extent that the agreement provides

1 otherwise, a participating municipality in which a district library
2 tax is in effect or authorized to be levied by the district library
3 or by the participating municipality may withdraw from the district
4 library if ~~each~~ **ALL** of the following requirements ~~is~~ **ARE**
5 satisfied:

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

12 (b) Notice of an election on the resolution is published in a
13 newspaper published or of general circulation in the municipality
14 not less than 10 days before the next regularly scheduled election
15 of the municipality following adoption of the resolution.

16 (c) The resolution is approved by a majority of the electors
17 of the municipality voting on the resolution at the next regularly
18 scheduled election of the municipality following adoption of the
19 resolution. If only a portion of the territory of a municipality is
20 included in the district, the vote shall be conducted only in that
21 portion of the municipality included in the district.

22 (d) After approval of the resolution by the electors, the
23 clerk of the municipality or, if the municipality is a school
24 district, the ~~secretary of the school board~~ **DISTRICT ELECTION**
25 **COORDINATOR** files with the library of Michigan a copy of the
26 official canvass statement and a certified copy of the resolution
27 and files with the board a copy of the official canvass statement

1 and a number of certified copies of the resolution sufficient for
2 distribution to the legislative body of each of the participating
3 municipalities.

4 (e) Payment or the provision for payment to the district
5 library or its creditors of all obligations of the municipality
6 seeking to withdraw is made.

7 (f) The legislative body of the withdrawing municipality
8 furnishes to the library of Michigan a plan for continuing, after
9 the municipality no longer receives library services from the
10 district library, public library service for all residents of the
11 withdrawing municipality or the portion of the territory of the
12 withdrawing municipality that is included in the district.

13 (2) A district library tax in effect or authorized to be
14 levied by the district library or by the withdrawing municipality
15 before the adoption of the resolution to withdraw shall be levied
16 in the municipality for its original purpose but only for the
17 period of time originally authorized and only so long as the board
18 continues in existence. In addition, a municipality that withdraws
19 from a district library shall continue to receive library services
20 from the district library so long as a districtwide tax authorized
21 to be levied before the withdrawal of the municipality continues to
22 be levied in the municipality and the district library remains in
23 operation.

24 (3) Except to the extent that the agreement provides
25 otherwise, a participating municipality in which no district
26 library tax is in effect or authorized to be levied by either the
27 district library or the participating municipality may withdraw

1 from the district library if all of the following requirements are
2 satisfied:

3 (a) The legislative body of the municipality adopts a
4 resolution to withdraw from the district library on a date
5 specified in the resolution. The withdrawal date shall follow the
6 date of the resolution by not less than 1 year.

7 (b) The clerk of the municipality or, if the municipality is a
8 school district, the ~~secretary of the school board~~ **DISTRICT**
9 **ELECTION COORDINATOR** files with the library of Michigan a certified
10 copy of the resolution and files with the board a number of
11 certified copies of the resolution sufficient for distribution to
12 the legislative bodies of each of the participating municipalities.

13 (c) The requirements of subsection (1)(e) and (f) are ~~met~~
14 **SATISFIED.**

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

17 (5) **THE STATE LIBRARIAN MAY INITIATE PROCEEDINGS TO DISSOLVE A**
18 **DISTRICT LIBRARY ESTABLISHED UNDER THIS ACT IF HE OR SHE FINDS 1 OR**
19 **MORE OF THE FOLLOWING:**

20 (A) **THE DISTRICT LIBRARY DOES NOT QUALIFY FOR DISTRIBUTION OF**
21 **STATE AID AND PENAL FINES.**

22 (B) **THE DISTRICT LIBRARY BOARD HAS NOT MET WITHIN THE LAST 12**
23 **MONTHS.**

24 (C) **THE DISTRICT LIBRARY LACKS THE FUNDING TO PROVIDE ADEQUATE**
25 **LIBRARY-RELATED SERVICES.**