

HOUSE BILL NO. 6436

November 12, 2020, Introduced by Reps. Meerman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1989 PA 24, entitled
"The district library establishment act,"
by amending section 24 (MCL 397.194), as amended by 2005 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24. (1) Except to the extent that the agreement provides
2 otherwise, a participating municipality in which a district library
3 tax is in effect or authorized to be levied by the district library
4 or by the participating municipality may withdraw from the district

1 library if all of the following requirements are satisfied:

2 (a) Not less than 2 months before the next regularly scheduled
3 election of the municipality, the legislative body of the
4 municipality adopts a resolution to withdraw from the district
5 library on a date specified in the resolution. The date specified
6 ~~shall~~**must** be not less than 6 months after the next regularly
7 scheduled election of the municipality.

8 (b) ~~Notice~~**Before January 1, 2022, notice** of an election on
9 the resolution is published in a newspaper published or of general
10 circulation in the municipality not less than 10 days before the
11 next regularly scheduled election of the municipality following
12 adoption of the resolution, **and, beginning January 1, 2022, not**
13 **less than 14 days before the next regularly scheduled election of**
14 **the municipality following adoption of the resolution, public**
15 **notice of an election on the resolution is posted as provided in**
16 **the local government public notice act.**

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

23 (d) After approval of the resolution by the electors, the
24 clerk of the municipality or, if the municipality is a school
25 district, the school district election coordinator files with the
26 library of Michigan a copy of the official canvass statement and a
27 certified copy of the resolution and files with the board a copy of
28 the official canvass statement and a number of certified copies of
29 the resolution sufficient for distribution to the legislative body

1 of each of the participating municipalities.

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

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

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

23 (3) Except to the extent that the agreement provides
24 otherwise, a participating municipality in which no district
25 library tax is in effect or authorized to be levied by either the
26 district library or the participating municipality may withdraw
27 from the district library if all of the following requirements are
28 satisfied:

29 (a) The legislative body of the municipality adopts a

1 resolution to withdraw from the district library on a date
2 specified in the resolution. The withdrawal date ~~shall~~**must** follow
3 the date of the resolution by not less than 1 year.

4 (b) The clerk of the municipality or, if the municipality is a
5 school district, the school district election coordinator files
6 with the library of Michigan a certified copy of the resolution and
7 files with the board a number of certified copies of the resolution
8 sufficient for distribution to the legislative bodies of each of
9 the participating municipalities.

10 (c) The requirements of subsection (1)(e) and (f) are
11 satisfied.

12 (4) After the withdrawal of a municipality, the agreement
13 ~~shall~~**must** be amended to reflect the withdrawal.

14 (5) The state librarian may initiate proceedings to dissolve a
15 district library established under this act if he or she finds 1 or
16 more of the following:

17 (a) The district library does not qualify for distribution of
18 state aid and penal fines.

19 (b) The district library board has not met within the last 12
20 months.

21 (c) The district library lacks the funding to provide adequate
22 library-related services.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. ____ or House Bill No. 6440(request no.
25 02449'19) of the 100th Legislature is enacted into law.