

# SENATE BILL No. 140

February 14, 1989, Introduced by Senators CROPSEY, FREDRICKS,  
V. SMITH, GEO. HART, NICHOLS, EHLERS, POSTHUMUS, FAXON, GEAKE,  
POLLACK, N. SMITH, BINSFELD, CRUCE, SCHWARZ, BARCIA, DI NELLO,  
DILLINGHAM, CARL and WELBORN and referred to the Committee on  
Local Government and Veterans.

A bill to provide for the establishment and maintenance of  
district libraries; to provide for district library boards; to  
define the powers and duties of certain state and local govern-  
mental entities; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as "the  
2 district library establishment act".

3       Sec. 2. As used in this act:

4       (a) "Agreement" means a district library agreement required  
5 by section 3 or the agreement governing a district library estab-  
6 lished pursuant to former Act No. 164 of the Public Acts of  
7 1955.

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

1 (c) "District" means the territory of the participating  
2 municipalities that is served by a district library established  
3 pursuant to this act.

4 (d) "General election" means that term as defined in the  
5 Michigan election law, Act No. 116 of the Public Acts of 1954,  
6 being sections 168.1 to 168.992 of the Michigan Compiled Laws.

7 (e) "Largest" means, if used in reference to a participating  
8 school district, the participating school district having the  
9 most electors voting at the last regularly scheduled school board  
10 election in the participating school district.

11 (f) "Largest" means, if used in reference to a county, the  
12 county having the most registered electors of a district as last  
13 reported to the county clerk pursuant to section 661 of the  
14 Michigan election law, Act No. 116 of the Public Acts of 1954,  
15 being section 168.661 of the Michigan Compiled Laws.

16 (g) "Legislative body" means, if the municipality is a  
17 school district, the school board.

18 (h) "Legislative council" means the legislative council cre-  
19 ated by the legislative council act, Act No. 268 of the Public  
20 Acts of 1986, being sections 4.1101 to 4.1901 of the Michigan  
21 Compiled Laws.

22 (i) "Municipality" means a city, village, school district,  
23 township, or county.

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

1 (k) "School district" means 1 of the following but does not  
2 include a primary school district or a school district that holds  
3 meetings rather than elections:

4 (i) "Local act school district" as defined in section 5 of  
5 the school code of 1976, Act No. 451 of the Public Acts of 1976,  
6 being section 380.5 of the Michigan Compiled Laws.

7 (ii) "Local school district" as that term is used in Act  
8 No. 451 of the Public Acts of 1976, being sections 380.1 to  
9 380.1852 of the Michigan Compiled Laws.

10 (l) "State librarian" means the librarian appointed pursuant  
11 to section 5 of the library of Michigan act, Act No. 540 of the  
12 Public Acts of 1982, being section 397.15 of the Michigan  
13 Compiled Laws.

14 Sec. 3. (1) Two or more municipalities, except 2 or more  
15 school districts that hold their regularly scheduled elections on  
16 different dates, authorized by law to establish and maintain a  
17 library or library services may jointly establish a district  
18 library if each of the following requirements is satisfied:

19 (a) If the proposed district contains a public library rec-  
20 ognized by the legislative council as lawfully established for  
21 purposes of the distribution of state aid and penal fines, the  
22 governing board of the public library approves the establishment  
23 of the district library.

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

1       (2) A county, township, city, or village uniting with other  
2 municipalities to establish a district library may provide in the  
3 resolution required by subsection (1) that only a portion of its  
4 territory is included in the district. The portion of a county  
5 included in a district shall be bounded by county, township,  
6 city, village, or school district boundaries. The portion of a  
7 township, city, or village to be included in the district shall  
8 be bounded by township boundaries, city boundaries, or village  
9 boundaries, respectively, and by existing district library or  
10 school district public library boundaries.

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

14       (a) The identity of the municipalities establishing the dis-  
15 trict library.

16       (b) The method of selection of board members, whether by  
17 election or appointment; if by appointment, their term of office,  
18 the total number of board members, and the number of board mem-  
19 bers to be appointed by the legislative body of each participat-  
20 ing municipality; and, if by election, the number of provisional  
21 board members to be appointed by the legislative body of each  
22 participating municipality.

23       (c) Of the amount of money to be stated in the annual budget  
24 pursuant to section 13, the percentage to be supplied by each  
25 participating municipality.

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

4 (e) A period of time after the effective date of the agree-  
5 ment, not less than 1 year, during which the adoption of a reso-  
6 lution to withdraw from the district library pursuant to  
7 section 24 shall be void.

8 (f) Any distribution of district library assets to take  
9 place upon the withdrawal of a participating municipality.

10 (g) Any other necessary provisions regarding the district  
11 library.

12 (2) A district library agreement may provide that the dis-  
13 trict library board is abolished and the district library termi-  
14 nates unless, on or before a date stated in the agreement, the  
15 district electors approve a district library millage at a rate  
16 not less than a minimum number of mills stated in the agreement.  
17 If the district library agreement contains such a provision, the  
18 district library agreement shall specify the manner in which the  
19 net assets of the district library shall be distributed to the  
20 participating municipalities upon termination and shall contain a  
21 plan for continuing public library service to all residents of  
22 the district after termination.

23 Sec. 5. (1) The legislative bodies of the municipalities  
24 that establish a district library shall submit the agreement to  
25 the state librarian within 10 days following the date on which  
26 the agreement is adopted. A board shall submit an amendment to

1 the agreement to the state librarian within 10 days following the  
2 date on which the amendment is adopted.

3       (2) The state librarian shall approve an agreement or an  
4 amendment to an agreement submitted pursuant to subsection (1) or  
5 a revision in board structure submitted pursuant to section 6 if  
6 it conforms to the requirements of this act and shall disapprove  
7 the agreement, amendment, or revision if it does not conform to  
8 the requirements of this act. Within 30 days following the date  
9 on which the state librarian receives an agreement, amendment, or  
10 revision, the state librarian shall send to the board or the leg-  
11 islative bodies that submitted the agreement, amendment, or revi-  
12 sion a written statement of approval or disapproval. If the  
13 state librarian disapproves the agreement, amendment, or revi-  
14 sion, the state librarian shall explain in the written statement  
15 the reasons for the disapproval, and the legislative council  
16 shall not recognize the district library as lawfully established  
17 for purposes of the distribution of state aid and penal fines  
18 until the state librarian approves an amendment or revision that  
19 causes the agreement to conform to the requirements of this act.  
20 If the state librarian fails to send a written statement of  
21 approval or disapproval within 30 days following the date on  
22 which the state librarian receives the agreement, amendment, or  
23 revision, it shall be considered approved.

24       Sec. 6. Within 1 year after the effective date of this act,  
25 the board of a district library established pursuant to former  
26 Act No. 164 of the Public Acts of 1955 shall submit to the state  
27 librarian an organizational plan including the information

1 required to be set forth in an agreement under section 4(1) and  
2 shall revise the board structure and selection to conform to sec-  
3 tion 9 or to sections 10 and 11. If the board of a district  
4 library established pursuant to former Act No. 164 of the Public  
5 Acts of 1955 complies with this section and the state librarian  
6 does not disapprove the revision of board structure and selec-  
7 tion, the district library shall be considered to be established  
8 pursuant to this act.

9       Sec. 7. A district library established pursuant to this act  
10 constitutes an authority under section 6 of article IX of the  
11 state constitution of 1963.

12       Sec. 8. (1) An individual appointed as a board member shall  
13 be a qualified elector of the participating municipality that  
14 appoints the member on the date the appointment is made. A can-  
15 didate for election as a board member shall be a qualified elec-  
16 tor of a participating municipality on the deadline for filing  
17 nominating petitions. A candidate for appointment or election  
18 shall be a resident of the district.

19       (2) The office of board member becomes vacant when the  
20 incumbent dies, resigns, is convicted of a felony, is removed  
21 from office by the governor pursuant to section 10 of article V  
22 of the state constitution of 1963, or ceases to be a resident of  
23 the district. In addition, the office of an appointed board  
24 member becomes vacant when the incumbent ceases to be a resident  
25 of the participating municipality that appointed the incumbent.

26       Sec. 9. If an agreement prescribes appointed board members,  
27 the board shall consist of not fewer than 5 and not more than 8

1 members. The agreement may provide that the right to appoint 1  
2 or more board members rotates between 2 or more municipalities.  
3 A term shall not be more than 4 years. A member shall serve  
4 until the appointment and qualification of a successor. A  
5 vacancy shall be filled for the unexpired term by the participat-  
6 ing municipality that appointed the member whose position is  
7 vacant.

8       Sec. 10. (1) This section applies to an election of board  
9 members except, if a school district is a participating munici-  
10 pality, to the extent that it is inconsistent with section 11.

11       (2) If an agreement prescribes elected board members, the  
12 board shall consist of 7 members elected at large from the  
13 district.

14       (3) If an agreement prescribes elected board members, a pro-  
15 visional board of 7 members shall be appointed. The members of  
16 the provisional board hold office until their successors are  
17 elected and qualified.

18       (4) The first election of board members shall take place at  
19 the first general election held 140 days or more after the  
20 appointment of the first member of the provisional board. The 4  
21 persons receiving the most votes at the first election for board  
22 members have 4-year terms, and the 3 remaining persons elected to  
23 the board have 2-year terms. After the first election, board  
24 members shall be elected at general elections for 4-year terms  
25 that begin on January 1 following the election.

26       (5) Board members shall be elected on nonpartisan ballots.



1 (6) A nomination for the office of board member shall be by  
2 nonpartisan petitions signed by registered electors of the  
3 district. For the first election of board members, the number of  
4 signatures shall be not less than 50. For subsequent elections  
5 of board members, the number of signatures shall be not less than  
6  $1\frac{1}{2}$  of 1% of the number of persons voting in the district at the  
7 last election at which board members were elected. A nominating  
8 petition shall be filed with the clerk of the largest county not  
9 later than 4 p.m. of the day 110 days before the date of the  
10 election. The county clerk with whom nominating petitions are  
11 filed shall certify the names of the candidates to the clerk of  
12 every other county in which all or part of a participating munic-  
13 ipality is located.

14 (7) A vacancy in the office of a board member shall be  
15 filled until the expiration of the vacating board member's term  
16 by appointment by majority vote of the remaining board members.  
17 However, if the vacancy occurs 140 or more days or, if a school  
18 district is a participating municipality, 13 or more Mondays  
19 before the first regularly scheduled election of board members  
20 that follows the beginning of the term of the board member vacat-  
21 ing office and that term is 4 years, all of the following apply:

22 (a) The vacancy shall be filled by appointment by majority  
23 vote of the remaining board members only until the next date on  
24 which the term of any board member expires.

25 (b) A board member shall be elected at the regularly sched-  
26 uled election of board members next following the occurrence of

1 the vacancy to fill the vacancy for the remainder of the term of  
2 the board member vacating office.

3       Sec. 11. If a school district is a participating municipal-  
4 ity, the following apply to an election of board members for a  
5 district library:

6       (a) The first election of board members shall take place at  
7 the same time as the first regularly scheduled election of school  
8 board members in the largest participating school district occur-  
9 ring on or after the thirteenth Monday following the appointment  
10 of the first member of the provisional board. The term of office  
11 of an elected member of the board begins at the same time as the  
12 term of a school board member elected at the same election in the  
13 largest participating school district.

14       (b) A nomination for the office of board member shall be by  
15 a petition meeting to the extent applicable the same require-  
16 ments, including filing requirements, as a nominating petition  
17 for the office of school board member in the largest participat-  
18 ing school district. However, the petition shall be filed not  
19 later than 4 p.m. of the ninth Monday preceding the election.  
20 For the first election of board members, the number of signatures  
21 shall be not less than 50. For subsequent elections of board  
22 members, the number of signatures shall be not less than 1/2 of  
23 1% of the number of persons voting in the district at the last  
24 election at which board members were elected. A nominating peti-  
25 tion shall be filed with the secretary of the school board of the  
26 largest participating school district. The secretary of that  
27 school board shall certify the names of the candidates and the

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

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

7       (a) Establish, maintain, and operate a public library for  
8 the district.

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

10       (c) Appoint and remove a librarian and necessary assistants  
11 and fix their compensation.

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

16       (e) Erect buildings.

17       (f) Supervise and control district library property.

18       (g) Enter into a contract to receive library-related service  
19 from or give library-related service to a library or a municipal-  
20 ity within or without the district.

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

23       (i) Propose and levy upon approval of the electors as pro-  
24 vided in this act a tax for support of the district library.

25       (j) Borrow money pursuant to the district library financing  
26 act, Act No. 265 of the Public Acts of 1988, being sections  
27 397.281 to 397.290 of the Michigan Compiled Laws.

1 (k) Issue bonds pursuant to Act No. 265 of the Public Acts  
2 of 1988.

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

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

7 (2) A board may reimburse a board member for necessary  
8 expenses that the member incurs in the performance of official  
9 duties. A board may compensate board members for attending meet-  
10 ings of the board and shall include the amount of compensation in  
11 the annual budget. Compensation shall not exceed \$30.00 per  
12 board member per meeting. A board member shall not be compen-  
13 sated for attending more than 52 meetings per year.

14 (3) Money for the district library shall be paid to the  
15 board and deposited in a fund known as the district library  
16 fund. The board shall exclusively control the expenditure of  
17 money deposited in the district library fund.

18 Sec. 13. (1) Subject to any limitation in the district  
19 library agreement on the amount of the district library annual  
20 budget or the amount or percentage of an increase in the district  
21 library annual budget, or both, that applies in the absence of a  
22 districtwide tax approved by the electors, the board shall annu-  
23 ally determine the amount of money necessary for the establish-  
24 ment and operation of the district library and shall state that  
25 amount in an annual budget of the district library.

26 (2) All or part of the money necessary for the establishment  
27 and operation of a district library may be supplied by a tax

1 levied by the district library on the taxable property in the  
2 district. A district library shall not levy a tax authorized by  
3 this subsection unless the tax is approved as provided in  
4 section 15. However, a districtwide tax in effect or authorized  
5 to be levied by a district library established pursuant to former  
6 Act No. 164 of the Public Acts of 1955 may be levied by the dis-  
7 trict library at the rate and for the period of time originally  
8 authorized without being approved as provided in section 15.

9       (3) A districtwide tax or taxes authorized by subsection (2)  
10 shall not exceed 2 mills. However, if 1 or more of the partici-  
11 pating municipalities had a legally established public library  
12 with an authorized tax levy of more than 2 mills on the day  
13 before the effective date of this act, the district library may,  
14 pursuant to subsection (2), levy on the taxable property of the  
15 district a tax or taxes of not more than the greatest number of  
16 mills authorized to be levied by any such participating munici-  
17 pality for its public library on the day before the effective  
18 date of this act. The millage limitations in this subsection do  
19 not apply to taxes necessary to pay the principal of and interest  
20 on bonds issued pursuant to the district library financing act,  
21 Act No. 265 of the Public Acts of 1988, being sections 397.281 to  
22 397.290 of the Michigan Compiled Laws.

23       (4) Of the amount of money stated in the annual budget pur-  
24 suant to subsection (1) that is not supplied by a districtwide  
25 tax, the legislative body of each participating municipality  
26 shall annually pay to the board the percentage set forth in the  
27 agreement pursuant to section 4. A participating municipality

1 may make the payment by appropriating money from its general fund  
2 or by levying a tax for district library purposes on the taxable  
3 property in the municipality, or both.

4 (5) A participating municipality shall not levy a tax autho-  
5 rized by subsection (4) unless the tax is approved by a majority  
6 of the electors who reside in the participating municipality and  
7 vote on the proposal. Not less than 60 days before the date of  
8 the election, the legislative body of a participating municipal-  
9 ity shall certify a proposed tax to the clerk of the municipality  
10 or, if the participating municipality is a school district, to  
11 the secretary of the school board for inclusion on the ballot.

12 (6) A library tax in effect or authorized to be levied by a  
13 participating municipality before the municipality became a party  
14 to an agreement may be levied at the rate and for the period of  
15 time originally authorized and used as a source of all or part of  
16 the percentage of money set forth in the agreement pursuant to  
17 section 4, unless prohibited by the millage authorization.

18 Sec. 14. (1) An election for or recall of board members and  
19 an election for a districtwide tax shall be conducted under the  
20 provisions of the Michigan election law, Act No. 116 of the  
21 Public Acts of 1954, being sections 168.1 to 168.992 of the  
22 Michigan Compiled Laws, and applicable provisions of the school  
23 code of 1976, Act No. 451 of the Public Acts of 1976, being sec-  
24 tions 380.1 to 380.1852 of the Michigan Compiled Laws, except to  
25 the extent that those provisions are inconsistent with the provi-  
26 sions of this act.

1 (2) If none of the participating municipalities are school  
2 districts, an election for a districtwide tax is governed by  
3 sections 15 to 18 and section 23. If 1 or more of the partici-  
4 pating municipalities are school districts, an election for a  
5 districtwide tax is governed by section 15 and sections 19 to  
6 23.

7 (3) If none of the participating municipalities are school  
8 districts, an election for district library board members is gov-  
9 erned by sections 16 to 18 and section 23. If 1 or more of the  
10 participating municipalities are school districts, an election  
11 for district library board members is governed by sections 19 to  
12 23.

13 Sec. 15. (1) A ballot proposal for a districtwide tax shall  
14 state the amount of the millage.

15 (2) If none of the participating municipalities are a school  
16 district, a proposal for a districtwide tax shall not be placed  
17 on the ballot unless the proposal is adopted by a resolution of  
18 the board and certified by the board not later than 60 days  
19 before the election to the county clerk of each county in which  
20 all or part of the district is located for inclusion on the  
21 ballot. The proposal shall be certified for inclusion on the  
22 ballot at the next general election, the state primary immedi-  
23 ately preceding the general election, or a special election not  
24 occurring within 45 days of a state primary or a general elec-  
25 tion, as specified by the board's resolution.

26 (3) If 1 or more of the participating municipalities are  
27 school districts, a proposal for a districtwide tax shall not be

1 placed on the ballot unless the proposal is adopted by a  
2 resolution of the board and certified by the board not later than  
3 60 days before the election to the secretary of the school board  
4 of the largest participating school district. The board shall  
5 certify the proposal for inclusion on the ballot at the next reg-  
6 ularly scheduled election of school board members in the largest  
7 participating school district or at a special election not occur-  
8 ring within 45 days of a state primary or a general election, as  
9 specified by the board's resolution. The school board secretary  
10 to whom the ballot proposal was certified shall promptly certify  
11 the proposal and date of election to the secretary of the school  
12 board of every other participating school district and to the  
13 election officials authorized by this act to conduct the election  
14 in the participating municipalities or the portions of partici-  
15 pating municipalities located within a nonparticipating school  
16 district.

17 (4) If a special election is requested, within 10 days after  
18 receiving the proposal, the school board secretary to whom the  
19 resolution was certified by the board or the county clerk of the  
20 largest county shall request approval of a special election date  
21 from the county election scheduling committee of the school board  
22 secretary's school district or the clerk's county. The proposal  
23 shall be submitted to the qualified and registered electors  
24 residing in the district on the date approved by that county  
25 election scheduling committee.

26 (5) If a majority of the votes cast on the question of a  
27 districtwide tax is in favor of the proposal, the tax levy is



1 authorized. No more than 2 elections shall be held in a calendar  
2 year on a proposal for a districtwide tax.

3       Sec. 16. If none of the participating municipalities are a  
4 school district, the county election commission of each partici-  
5 pating county and each county in which all or part of a partici-  
6 pating municipality is located shall provide ballots for an elec-  
7 tion for board members or a districtwide tax for each participat-  
8 ing municipality or part of a participating municipality located  
9 within the county.

10       Sec. 17. (1) Except as otherwise provided in subsection  
11 (3), if none of the participating municipalities are school dis-  
12 tricts, an election for board members or a districtwide tax shall  
13 be conducted by the city and township clerks and election offi-  
14 cials of the municipalities located within the district.

15       (2) If an election on a proposal for a districtwide tax is  
16 to be held in conjunction with a general election or state pri-  
17 mary election or board members are to be elected and if a partic-  
18 ipating village is located within a nonparticipating township,  
19 the township clerk and election officials shall conduct the  
20 election. On the forty-fifth day preceding the election, the  
21 village clerk shall provide to the township clerk a list contain-  
22 ing the name, address, and birth date of each qualified and reg-  
23 istered elector of the village or the portion of the village that  
24 is included in the district. By the fifteenth day preceding the  
25 election, the village clerk shall provide to the township clerk  
26 information updating the list as of the close of registration.

1 Persons appearing on the list as updated are eligible to vote in  
2 the district election by special ballot.

3 (3) If a districtwide tax is to be voted on at a special  
4 election not held in conjunction with a general election or state  
5 primary election and if a participating village is located within  
6 a nonparticipating township, the village clerk and election offi-  
7 cials shall conduct the election.

8 Sec. 18. (1) If an election for board members or a dis-  
9 trictwide tax is to be held in conjunction with a general elec-  
10 tion or a state primary election immediately preceding a general  
11 election and none of the participating municipalities are school  
12 districts, the notices of close of registration and election  
13 shall be published as provided for by the state election laws.  
14 Otherwise, if none of the participating municipalities are school  
15 districts, the county clerk of the largest county shall publish  
16 the notices of close of registration and election. The notice of  
17 close of registration shall include the ballot language of the  
18 proposal.

19 (2) If none of the participating municipalities are school  
20 districts, the results of an election for board members or a dis-  
21 trictwide tax shall be canvassed by the board of county canvass-  
22 ers of each county in which a participating municipality is  
23 located. The board of county canvassers of a county in which a  
24 participating municipality is located and which is not the larg-  
25 est county shall certify the results of the election to the board  
26 of county canvassers of the largest county. The board of county  
27 canvassers of the largest county shall make the final canvass of

1 an election for board members or a districtwide tax based on the  
2 returns of the election inspectors of the participating munici-  
3 palities in that county and the certified results of the board of  
4 county canvassers of every other county in which a participating  
5 municipality is located. The board of county canvassers of the  
6 largest county shall certify the results of the election to the  
7 district library board and issue certificates of election.

8       Sec. 19. If 1 or more participating municipalities are  
9 school districts, the secretary of the school board of each par-  
10 ticipating school district shall provide for the printing of bal-  
11 lots for that school district. The secretary of the school board  
12 of the largest participating school district shall provide bal-  
13 lots for an election for board members or a districtwide tax for  
14 a participating municipality or part of a participating munici-  
15 pality located within a nonparticipating school district.

16       Sec. 20. If 1 or more participating municipalities are  
17 school districts, the election for board members or a district-  
18 wide tax shall be conducted as follows:

19       (a) The officials otherwise authorized by law to conduct  
20 elections in a participating school district shall conduct the  
21 election in that school district.

22       (b) If all or a portion of the participating municipality is  
23 located within a nonparticipating school district that is holding  
24 an election on the same day as the election for board members or  
25 a districtwide tax, the officials authorized by law to conduct  
26 elections in the nonparticipating school district shall conduct  
27 the election for board members or a districtwide tax in the

1 participating municipality or that portion of the participating  
2 municipality located within the nonparticipating school  
3 district. The qualified and registered electors of the partici-  
4 pating municipality that reside within the nonparticipating  
5 school district shall vote in the election for board members or a  
6 districtwide tax by special ballot at their regular polling  
7 places in the election in the nonparticipating school district.  
8 Those qualified and registered electors shall be identified from  
9 the registration records of the nonparticipating school district  
10 or from a list of the names, addresses, and birth dates of quali-  
11 fied and registered electors of the participating municipality  
12 who reside in the nonparticipating school district and are eligi-  
13 ble to vote in elections for board members or a districtwide  
14 tax. Such a list shall be supplied and updated by the clerk of  
15 the participating municipality at the request of the secretary of  
16 the school board or other official authorized by law to conduct  
17 the election.

18 (c) If all or a portion of a participating municipality is  
19 located within a nonparticipating school district that is not  
20 holding an election on the same day as the election for board  
21 members or a districtwide tax, the officials authorized by law to  
22 conduct elections in the participating municipality shall conduct  
23 the election for board members or a districtwide tax in the par-  
24 ticipating municipality or that portion of the participating  
25 municipality located within the nonparticipating school  
26 district.

1       Sec. 21. (1) If an election for district board members or a  
2 districtwide tax is conducted by a participating school district  
3 pursuant to section 20(a), the official required by law to pub-  
4 lish notices of the close of registration and election for a  
5 school district election in that school district shall publish  
6 the notices for the election for board members or a districtwide  
7 tax in that school district.

8       (2) If an election for board members or a districtwide tax  
9 is conducted in a participating municipality or a portion of a  
10 participating municipality by a nonparticipating school district,  
11 pursuant to section 20(b), the official required by law to pub-  
12 lish the notices of close of registration and election for a  
13 school district election in that school district shall publish  
14 the notices for the election for board members or a districtwide  
15 tax for the participating municipality or portion of a partici-  
16 pating municipality located within that school district. The  
17 notices of close of registration and election shall designate the  
18 participating municipality for all or a portion of which the  
19 election is being conducted pursuant to section 20(b).

20       (3) If an election for board members or a districtwide tax  
21 is conducted by a participating municipality pursuant to section  
22 20(c), the clerk of the participating municipality shall publish  
23 notices of close of registration and election for the participat-  
24 ing municipality or that portion of the participating municipal-  
25 ity located in the nonparticipating school district.

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

1       Sec. 22. (1) If an election for district board members or a  
2 districtwide tax is conducted by a participating school district  
3 pursuant to section 20(a), the board of canvassers required by  
4 law to canvass the results of a school district election in that  
5 school district shall canvass the results of an election for  
6 board members or a districtwide tax in that school district and,  
7 if the school district is not the largest participating school  
8 district, certify the results of the election to the board of  
9 canvassers of the largest participating school district.

10       (2) If an election for board members or a districtwide tax  
11 is conducted in a participating municipality or a portion of a  
12 participating municipality by a nonparticipating school district  
13 pursuant to section 20(b), the board of canvassers required by  
14 law to canvass the results of a school district election in that  
15 school district shall canvass the results of an election for  
16 board members or a districtwide tax in the participating munici-  
17 pality or portion of the participating municipality located  
18 within the nonparticipating school district and certify the  
19 results to the board of canvassers of the largest participating  
20 school district.

21       (3) If an election for board members or a districtwide tax  
22 is conducted by a participating municipality pursuant to section  
23 20(c), the board of canvassers required by law to canvass the  
24 results of a municipal election in that municipality shall can-  
25 vass the results of an election for board members or a district-  
26 wide tax in the participating municipality or that portion of the  
27 participating municipality located within the nonparticipating

1 school district and certify the results of the election to the  
2 board of canvassers of the largest participating school  
3 district.

4       (4) The board of canvassers required by law to canvass the  
5 results of elections held in the largest participating school  
6 district shall make the final canvass of the election for board  
7 members or a districtwide tax based on the returns received from  
8 the election inspectors of that district and certified results  
9 received from other boards of canvassers that canvassed part of  
10 the election. The board of canvassers required by law to canvass  
11 the results of a school district election in the largest partici-  
12 pating school district shall certify the total results of the  
13 election to the board and issue certificates of election.

14       Sec. 23. (1) A county clerk shall charge the district  
15 library and the district library shall reimburse the county for  
16 the actual costs the county incurs in an election for board mem-  
17 bers or a districtwide tax.

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

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

26       (b) Only a portion of the territory of the municipality is  
27 included in the district.

1 (c) The election is conducted pursuant to section 20(c) in  
2 conjunction with a regularly scheduled election in the municipal-  
3 ity and a portion of the municipality lies within the boundaries  
4 of a nonparticipating school district.

5 (3) If a school district conducts an election for district  
6 library board members or a districtwide tax, the officials autho-  
7 rized by law to conduct the election shall charge the district  
8 library and the district library shall reimburse the school dis-  
9 trict for the actual 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  
12 and the election is not held in conjunction with a regularly  
13 scheduled election in that school district.

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

17 (4) In addition to costs reimbursed pursuant to subsection  
18 (1), (2), or (3), a municipality shall charge the district  
19 library and the district library shall reimburse the municipality  
20 for actual costs that the municipality incurs and that are exclu-  
21 sively attributable to an election for board members or a dis-  
22 trictwide 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  
25 of work done in conducting the election, the rates of compensa-  
26 tion of the workers, and the cost of materials supplied in the  
27 election.



1       Sec. 24. (1) Except to the extent that the agreement  
2 provides otherwise, a participating municipality in which a dis-  
3 trict library tax is in effect or authorized to be levied by the  
4 district library or by the participating municipality may with-  
5 draw from the district library if each of the following require-  
6 ments is satisfied:

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

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

18       (c) The resolution is approved by a majority of the electors  
19 of the municipality voting on the resolution at the next regu-  
20 larly scheduled election of the municipality following adoption  
21 of the resolution. If only a portion of the territory of a  
22 municipality is included in the district, the vote shall be con-  
23 ducted only in that portion of the municipality included in the  
24 district.

25       (d) After approval of the resolution by the electors, the  
26 clerk of the municipality or, if the municipality is a school  
27 district, the secretary of the school board files with the

1 library of Michigan a copy of the official canvass statement and  
2 a certified copy of the resolution and files with the board a  
3 copy of the official canvass statement and a number of certified  
4 copies of the resolution sufficient for distribution to the leg-  
5 islative body of each of the participating municipalities.

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

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

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

26 (3) Except to the extent that the agreement provides  
27 otherwise, a participating municipality in which no district

1 library tax is in effect or authorized to be levied by either the  
2 district library or the participating municipality may withdraw  
3 from the district library if all of the following requirements  
4 are satisfied:

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

9 (b) The clerk of the municipality or, if the municipality is  
10 a school district, the secretary of the school board files with  
11 the library of Michigan a certified copy of the resolution and  
12 files with the board a number of certified copies of the resolu-  
13 tion sufficient for distribution to the legislative bodies of  
14 each of the participating municipalities.

15 (c) The requirements of subsection (1)(e) and (f) are met.

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

18 Sec. 25. (1) A municipality other than a school district  
19 may become a party to an existing agreement if the agreement's  
20 requirements concerning the addition of a participating munici-  
21 pality are satisfied, or, in the absence of requirements in the  
22 agreement, if each of the following requirements is satisfied:

23 (a) The legislative body of the municipality resolves by  
24 majority vote that the municipality become a participating munic-  
25 ipality and that all or, pursuant to section 3(2), a portion of  
26 the territory of the municipality be added to the district.

1 (b) The resolution is conditioned upon the board's adopting,  
2 within a period of time specified in the resolution, amendments  
3 to the agreement specified in the resolution. The amendments  
4 specified shall reflect the addition of the municipality or of  
5 the territory to the district and shall include, but need not be  
6 limited to, changes in board representation or the percentage of  
7 funds necessary for the establishment and operation of the dis-  
8 trict library to be supplied by each participating municipality  
9 after the municipality becomes a party to the agreement.

10 (c) The board amends the agreement within the time and in  
11 the manner specified in the resolution of the legislative body of  
12 the municipality. Notwithstanding anything to the contrary in  
13 the procedure for amending the agreement set forth in the agree-  
14 ment pursuant to section 4, the amendment shall be made by major-  
15 ity vote of the members of the board elected or appointed and  
16 serving.

17 (2) If there is a districtwide library tax, the board shall  
18 condition acceptance of the municipality or portion of the terri-  
19 tory of the municipality into the district on the authorization  
20 of that tax by a majority of the electors of the municipality or  
21 territory voting on the proposal.

22 Sec. 26. Act No. 164 of the Public Acts of 1955, being sec-  
23 tions 397.271 to 397.276 of the Michigan Compiled Laws, is  
24 repealed.