

HOUSE BILL No. 4858

May 29, 1997, Introduced by Reps. Perricone, Birkholz, Baird, Raczkowski, McNutt, Hammerstrom, Jelinek, McBryde, Oxender, Hanley, Richner, Jansen and Jaye and referred to the Committee on Local Government.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

24 (B) ESTABLISHED UNDER THIS ACT OR ANY OF THE FOLLOWING
25 ACTS:

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

1 (ii) THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
2 380.1852.

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

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

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

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

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

17 (D) THE TAX IDENTIFICATION NUMBER OF EACH PARCEL OF PROPERTY
18 LOCATED WITHIN THE PROPOSED DISTRICT LIBRARY DISTRICT.

19 (5) THE STATE LIBRARIAN SHALL REVIEW THE AGREEMENT DESCRIBED
20 IN SUBSECTION (4)(A), AND APPROVE OR DISAPPROVE OF THE FORMATION
21 OF THE PROPOSED DISTRICT LIBRARY DISTRICT IN ACCORDANCE WITH SEC-
22 TION 5.

23 (6) UPON RECEIVING NOTICE OF THE STATE LIBRARIAN'S APPROVAL
24 OF AN AGREEMENT DESCRIBED IN SUBSECTION (4)(A), THE SECRETARY OF
25 THE BOARD OF THE AFFECTED DISTRICT LIBRARY SHALL SUBMIT TO THE
26 COUNTY CLERK AND THE COUNTY TREASURER OF EACH COUNTY IN WHICH THE

1 DISTRICT LIBRARY DISTRICT IS LOCATED, AND TO THE SECRETARY OF
2 STATE, A COPY OF BOTH OF THE FOLLOWING:

3 (A) THE STATE LIBRARIAN'S WRITTEN STATEMENT OF APPROVAL FOR
4 THE DISTRICT LIBRARY ISSUED IN ACCORDANCE WITH SECTION 5.

5 (B) THE MAP OF THE DISTRICT LIBRARY'S TERRITORY DESCRIBED IN
6 SUBSECTION (4)(B).

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

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

12 (B) ADD A PARTICIPATING MUNICIPALITY IN ACCORDANCE WITH SEC-
13 TION 25.

14 (C) ELIMINATE CERTAIN TERRITORY IN ACCORDANCE WITH SUBSEC-
15 TION (9).

16 (8) FOR ANY AMENDMENT DESCRIBED IN SUBSECTION (7), THE SEC-
17 RETARY OF THE BOARD OF THE DISTRICT LIBRARY SHALL FILE WITH EACH
18 OF THE FOLLOWING A COPY OF THE MAP OF THE AMENDED BOUNDARIES
19 APPROVED BY THE PARTICIPATING MUNICIPALITIES:

20 (A) THE COUNTY CLERK AND THE COUNTY TREASURER OF EACH COUNTY
21 IN WHICH THE DISTRICT LIBRARY IS SITUATED.

22 (B) THE LEGISLATIVE COUNCIL.

23 (C) THE SECRETARY OF STATE.

24 (9) A DISTRICT LIBRARY RECOGNIZED BY THE LEGISLATIVE COUNCIL
25 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
26 SUBSECTION MAY AMEND ITS BOUNDARIES TO ELIMINATE TERRITORY
27 LOCATED WITHIN THE LEGAL BOUNDARIES OF A PUBLIC LIBRARY OR

1 ANOTHER DISTRICT LIBRARY DISTRICT, IF THAT PUBLIC LIBRARY OR
2 OTHER DISTRICT LIBRARY IS RECOGNIZED BY THE LEGISLATIVE COUNCIL
3 AS LAWFULLY ESTABLISHED FOR THE PURPOSES OF THE DISTRIBUTION OF
4 STATE AID AND PENAL FINES. A DISTRICT LIBRARY THAT AMENDS ITS
5 BOUNDARIES UNDER THIS SUBSECTION SHALL MEET ALL OF THE FOLLOWING
6 REQUIREMENTS:

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

9 (B) THE PROPOSED AMENDED BOUNDARIES EXCLUDE ONLY THAT TERRI-
10 TORY WHICH IS WITHIN THE LEGAL BOUNDARIES OF A PUBLIC LIBRARY
11 ESTABLISHED UNDER THIS ACT OR ANY OF THE FOLLOWING ACTS AND REC-
12 OGNIZED BY THE LEGISLATIVE COUNCIL AS LAWFULLY ESTABLISHED FOR
13 THE PURPOSES OF THE DISTRIBUTION OF STATE AID AND PENAL FINES:

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 (C) IF THE DISTRICT LIBRARY HAS BORROWED MONEY AND ISSUED
19 BONDS GIVING ITS UNLIMITED TAX FULL FAITH AND CREDIT TO SECURE
20 THAT DEBT, TAXABLE PROPERTY WITHIN THE DISTRICT LIBRARY DISTRICT
21 REMAINS SUBJECT TO PROPERTY TAXATION FOR PAYMENT OF THE DEBT
22 UNTIL THE BONDS ARE PAID IN FULL, OR UNTIL THE DISTRICT LIBRARY
23 IRREVOCABLY TRANSFERS INTO AN ESCROW ACCOUNT MONEY OR ASSETS THAT
24 PROVIDE FOR THE PAYMENT OF THE BONDS IN FULL.

25 (D) THE DISTRICT LIBRARY FILES WITH THE STATE LIBRARIAN A
26 COPY OF A MAP THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION
27 (4)(B).

1 (10) IF A DISTRICT LIBRARY COMPLIES WITH SUBSECTION (9) AND
2 THE STATE LIBRARIAN DOES NOT DISAPPROVE THE AMENDED BOUNDARIES
3 WITHIN 10 DAYS AFTER RECEIVING THE MAP DESCRIBED IN SUBSECTION
4 (9)(D), THE BOUNDARIES ARE AMENDED.