

SUBSTITUTE FOR
HOUSE BILL NO. 4943

[A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending the title and sections 2, 3, 6, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 25 (MCL 397.552, 397.553, 397.556, 397.559, 397.561, 397.562, 397.564, 397.565, 397.566, 397.567, 397.568, 397.569, 397.570, 397.572, 397.573, and 397.575), the title and sections 2 and 15 as amended by 1982 PA 541 and section 11 as amended by 1984 PA 432.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the establishment of cooperative

3

libraries; to prescribe the powers and duties of the ~~legislative~~

4

~~council~~ DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES; to provide

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state aid for public libraries participating in cooperative

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libraries; to prescribe the powers and duties of cooperative

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1 library boards; to provide an appropriation; and to repeal
2 ~~certain~~ acts and parts of acts.

3 Sec. 2. As used in this act:

4 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND
5 LIBRARIES.

6 (B) ~~(a)~~ "Local board" means the board of trustees or
7 directors that has ~~,~~ as its primary purpose ~~,~~ the supervision
8 of a local public library, or that board contracting for library
9 service, or, if such a board does not exist, the legislative body
10 of the local government ~~which~~ THAT maintains the public
11 library.

12 (C) ~~(b)~~ "Local support" means funds from tax sources,
13 gifts, endowments, penal fines, or other funds received from
14 local sources, excluding state and federal aid as stated in this
15 act.

16 (D) ~~(c)~~ "Public library" means a library ~~which~~ THAT is
17 lawfully established for free public purposes by 1 or more coun-
18 ties, cities, townships, villages, school districts, or other
19 local governments or a combination thereof, or by a public or
20 local act, the entire interests of which belong to the general
21 public. ~~It~~ PUBLIC LIBRARY does not include a special library
22 such as a professional, technical, or school library.

23 (E) ~~(d)~~ "Cooperative board" means the governing board of
24 ~~the~~ A cooperative library.

25 (F) ~~(e)~~ "Cooperative library" means the library or service
26 center designated by ~~the~~ A cooperative board to execute

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1 services established by ~~the~~ A cooperative plan and provided to
2 libraries participating in ~~the~~ A cooperative.

3 ~~(f) "State board" means the legislative council.~~

4 Sec. 3. Cooperative ~~library~~ boards representing local
5 public libraries shall be established in accordance with this act
6 and approved by the ~~state board~~ DEPARTMENT. The number of
7 cooperative boards shall be determined by the ~~state board~~
8 DEPARTMENT in accordance with section 6.

9 Sec. 6. A cooperative library shall include those areas
10 consisting of:

11 (a) Two or more counties with a total population of at least
12 100,000.

13 (b) One county plus portions of other counties with a popu-
14 lation of at least 100,000.

15 (c) One county or portion thereof with a population of at
16 least 400,000.

17 (d) Portions of 2 or more counties with a population of at
18 least 350,000.

19 (e) Combinations of counties or portions of counties serving
20 a population of at least 50,000, if the region served has a popu-
21 lation of 35 or ~~less~~ FEWER PERSONS per square mile.

22 (f) The area covered by a cooperative library shall recog-
23 nize the geosocioeconomic conditions within that area and regions
24 established for governmental purposes throughout the state. A
25 local board placed in a cooperative library shall have the option
26 to petition the ~~state board~~ DEPARTMENT to be placed in a
27 different cooperative library or to join with other local boards

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1 to form a cooperative library under this act. A local board
2 serving an area adjoining more than 1 cooperative library shall
3 have the option to determine the cooperative library in which it
4 ~~shall participate~~ PARTICIPATES.

5 (g) The system board of an existing library system serving
6 over 1,000,000 population may petition the ~~state board~~
7 DEPARTMENT for designation as a cooperative board, and the ~~state~~
8 ~~board~~ DEPARTMENT shall designate that system board, as already
9 constituted, as the cooperative board. If a cooperative board is
10 a county library board, the cooperative plan shall provide for
11 expanding the cooperative board to represent proportionately the
12 population served in any other county or counties within the area
13 of the cooperative library. This expanded cooperative board
14 shall have authority over those matters affecting the operation
15 of the cooperative library except for the property, personnel,
16 and governmental relationships of the county whose board was des-
17 ignated as the cooperative board, which matters shall continue to
18 be the responsibility of that county library board. The ~~state~~
19 ~~board~~ DEPARTMENT shall include in the cooperative library serv-
20 ing over 1,000,000 population the communities presently served by
21 the existing system and all other communities not in another
22 cooperative library within counties represented by members on the
23 expanded cooperative board other than the designated system board
24 members.

25 Sec. 9. Following establishment of ~~the~~ A cooperative
26 ~~library~~ board, the COOPERATIVE board shall submit to the ~~state~~
27 ~~board~~ DEPARTMENT a plan ~~which~~ THAT designates and describes

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1 the responsibilities of the cooperative library, provides for
2 future selection of COOPERATIVE board membership, and gives
3 notice of the cooperative board's meeting dates. The original
4 plan and any substantial modification shall be approved by the
5 ~~state board~~ DEPARTMENT. ~~It is expressly understood the~~ A
6 cooperative ~~library~~ board has no jurisdiction over the property
7 or management of ~~the~~ A local library.

8 Sec. 11. Following establishment of ~~the~~ A cooperative
9 ~~library~~ board, residents of the cooperative library's area are
10 eligible to use the facilities and resources of the member
11 libraries subject to the rules of the cooperative library plan.
12 Services of the cooperative library, including those of partici-
13 pating libraries, are to be available at reasonable times and on
14 an equal basis within the areas served to ~~school children~~
15 SCHOOLCHILDREN, individuals in public and nonpublic institutions
16 of learning, and a student or resident within the area. An
17 applicant refused service may appeal to the ~~state board~~
18 DEPARTMENT, which shall review the operation of the cooperative
19 library and may withhold state aid funds until the services are
20 granted.

21 Sec. 12. Once a cooperative plan has been accepted by the
22 ~~state board,~~ DEPARTMENT and a cooperative ~~library~~ board HAS
23 BEEN established, ~~the board of a local library~~ A LOCAL BOARD
24 shall adopt a resolution requesting THAT the local library become
25 a participating library in the cooperative library. Duplicate
26 copies of the resolution, certified by the clerk of the local
27 board, shall be filed with the cooperative board. The

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1 cooperative board shall accept or show reason for denial of the
2 request for membership within 60 days after filing. When the
3 cooperative board has accepted the resolution, the resolution and
4 the acceptance shall be indorsed and a copy filed with the ~~state~~
5 ~~board~~ DEPARTMENT. The participating library has the same
6 rights, duties, and privileges as other libraries participating
7 in that cooperative library.

8 Sec. 14. ~~The~~ A cooperative board shall provide, directly
9 or through a written contract, services to member libraries
10 within the cooperative library's area. The services, subject to
11 standards approved by the ~~state board~~ DEPARTMENT [IN CONSULTATION
WITH THE STATE LIBRARIAN], may include:

- 12 (a) A central pool or rotating book collection.
- 13 (b) In-service training.
- 14 (c) Book selection aids.
- 15 (d) Bibliographic services.
- 16 (e) Audio-visual services.
- 17 (f) Bookmobile service or other outlets to outlying areas.
- 18 (g) Publicity and public relations.
- 19 (h) Printing.
- 20 (i) A centralized purchasing operation.
- 21 (j) Centralized processing, including cataloging and
22 marking.
- 23 (k) Reference services.
- 24 (l) Delivery service.

25 Sec. 15. When the state aid grant is insufficient to pro-
26 vide all services, the member libraries may be required to pay
27 for services in a priority order to be specified in the

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1 cooperative plan. Cooperative library headquarters shall be
2 linked to the library of Michigan and may be required upon ade-
3 quate funding to provide other services considered essential to
4 good public library service — and so designated by the ~~state~~
5 ~~board~~ DEPARTMENT [IN CONSULTATION WITH THE STATE LIBRARIAN].

6 Sec. 16. (1) A public library shall receive 35 cents per
7 capita from state aid during the fiscal year 1977-78 if in the
8 prior year the PUBLIC library received local support equal to
9 that required by this act.

10 (2) A public library shall receive 50 cents per capita from
11 state aid during the fiscal year 1978-79 if in the prior year the
12 PUBLIC library received local support equal to that required by
13 this act, the library has not reduced its local support by an
14 amount equal to —, or larger than —, the state aid from the
15 previous year without the approval of the ~~state board~~
16 DEPARTMENT, and the library meets the minimum standards estab-
17 lished by the ~~state board~~ DEPARTMENT and this act.

18 (3) A public library belonging to a cooperative library
19 shall receive from state aid for the fiscal year 1977-78 an addi-
20 tional 15 cents per capita, all or a part of which must be used
21 to pay for cooperative services from the cooperative board as
22 provided by section 15 and the cooperative plan.

23 (4) A public library belonging to a cooperative library
24 shall receive from state aid each year after fiscal year 1977-78
25 an additional 50 cents per capita, all or part of which shall be
26 used to pay for cooperative services from the cooperative board
27 as provided by section 15 and the cooperative plan. When the

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1 cost of the cooperative library services has been paid, any
2 remaining portion of the grant may be applied to local services
3 under subsection (2). Each public library cooperative ~~which~~
4 THAT qualifies under this act during fiscal year 1977-78 and fol-
5 lowing years shall receive an amount of \$10.00 per square mile
6 for the area ~~which~~ THAT it serves if the area served has ~~less~~
7 FEWER than 75 people per square mile.

8 (5) A public library ~~which~~ THAT is a county library serv-
9 ing a population of 50,000 or ~~less which~~ FEWER THAT appoints to
10 the office of head librarian a person with either a bachelor of
11 arts or a bachelor of science degree from a college or university
12 approved by an accrediting association of more than statewide
13 standing, including or supplemented by 1 full year of training in
14 a library school accredited by the American library association
15 and with at least 4 years' experience in an administrative capac-
16 ity in an approved library, shall be reimbursed for that portion
17 of the salary not exceeding \$400.00 for any 1 month or \$4,800.00
18 in any 1 year, if the county library received during the last
19 completed fiscal year before the year in which distribution is to
20 be made, from the county or counties not less than \$3,600.00
21 exclusive of money received from federal or state grants in aid
22 to the library. Wage increases to present employees shall be
23 paid equally by the state and local governments. Before
24 September 6, December 6, March 6, and June 6 of the year of dis-
25 tribution, the county library board or the board's authorized
26 agent shall certify to the ~~state board~~ DEPARTMENT the actual

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1 amount of the salary paid the head librarian during the 3-month
2 period immediately preceding those months.

3 Sec. 17. A cooperative library and public library shall
4 conform to certification requirements for personnel as estab-
5 lished by the ~~state board~~ DEPARTMENT in order to qualify for
6 state aid.

7 Sec. 18. A cooperative library and public library desiring
8 to participate in state aid shall apply before February 1 of each
9 year of distribution. The applicant shall certify to the ~~state~~
10 ~~board~~ DEPARTMENT the amount of money received from each source
11 during the last completed fiscal year before October 1 of the
12 year of distribution.

13 Sec. 19. The ~~state board~~ DEPARTMENT shall prepare a
14 statement of the amount to be distributed in accordance with this
15 act. Vouchers for disbursement of state aid shall be signed by
16 an authorized agent of the ~~board~~ DEPARTMENT and delivered to
17 the department of management and budget, which shall draw up war-
18 rants on the department of treasury in favor of the fiscal agent
19 of the cooperative BOARD or local board. State aid shall be dis-
20 tributed by September 30 of the year of distribution.

21 Sec. 20. A cooperative library or public library receiving
22 state aid shall deposit the money in a separate fund.
23 Expenditures from that fund are subject to review by the ~~state~~
24 ~~board~~ DEPARTMENT or its authorized representative.

25 Sec. 22. When there is a dispute concerning the cooperative
26 library to which a public library shall belong, services rendered
27 to member libraries, or the operations of a cooperative system

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1 which cannot be resolved on the local level, the ~~state board~~
2 DEPARTMENT may hear the case. The decision of the ~~state board~~
3 ~~shall be~~ DEPARTMENT IS final.

4 Sec. 23. The ~~state board~~ DEPARTMENT shall consider the
5 following needs in carrying out its powers and duties:

6 (a) Library facilities shall be provided to residents of the
7 area covered by a cooperative library without needless duplica-
8 tion of facilities, resources, or expertise.

9 (b) Establishment of a local PUBLIC library may be approved
10 for state aid purposes where local conditions require an addi-
11 tional local PUBLIC library.

12 (c) Existing PUBLIC libraries and new PUBLIC libraries shall
13 cooperate to provide adequate library services at a reasonable
14 cost.

15 (d) Increased effort shall be made to provide residents the
16 right to read, with added emphasis on areas which normally cannot
17 provide those services.

18 (e) Local responsibility, initiative, and support for
19 library service shall be recognized and respected when provision
20 is made for adequate local and cooperative library service.

[Sec. 25. (1) There is appropriated for public libraries from the general fund of the state for the fiscal year ending September 30, 1977, and for each fiscal year thereafter, the sum necessary to fulfill the requirements of this act. The appropriation shall be distributed as provided in this act.

(2) IT IS THE INTENT OF THE LEGISLATURE THAT MONEY AVAILABLE IN SUBSECTION (1) BE USED SOLELY FOR ASSISTANCE TO PUBLIC LIBRARIES OR COOPERATIVE LIBRARIES AND NOT FOR THE ADMINISTRATIVE EXPENSES OF THE LIBRARY OF MICHIGAN OR THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES.]

21 Enacting section 1. This amendatory act does not take
22 effect unless House Bill No. 4941 of the 91st Legislature is
23 enacted into law.

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Final page.

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