

HOUSE BILL No. 4942

June 13, 2001, Introduced by Reps. Lemmons and Stewart and referred to the Committee on Commerce.

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 2, 3, and 5 (MCL 397.172, 397.173, and 397.175), section 3 as amended by 1997 PA 160.

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
3 by section 3 or the agreement governing a district library estab-
4 lished pursuant to former ~~Act No. 164 of the Public Acts of~~
5 ~~1955~~ 1955 PA 164.

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

7 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND
8 CULTURE.

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

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

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

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

18 (H) ~~(g)~~ "Legislative body" means, if the municipality is a
19 school district, the school board.

20 ~~(h) "Legislative council" means the legislative council~~
21 ~~created by the legislative council act, Act No. 268 of the~~
22 ~~Public Acts of 1986, being sections 4.1101 to 4.1901 of the~~
23 ~~Michigan Compiled Laws.~~

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

26 (j) "Participating" means, in reference to a municipality,
27 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 REVISED school code, ~~of 1976, Act No. 451 of the Public Acts~~
6 ~~of 1976, being section 380.5 of the Michigan Compiled Laws~~ 1976
7 PA 451, MCL 380.5.

8 (ii) "Local school district" as that term is used in ~~Act~~
9 ~~No. 451 of the Public Acts of 1976, being sections 380.1 to~~
10 ~~380.1852 of the Michigan Compiled Laws~~ THE REVISED SCHOOL CODE,
11 1976 PA 451, MCL 380.1 TO 380.1852.

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

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

21 (a) If the proposed district contains a public library,
22 other than a district library established under this act, and
23 that public library is recognized by the ~~legislative council~~
24 DEPARTMENT as lawfully established for purposes of the distribu-
25 tion of state aid and penal fines, the governing board of the
26 public library approves the establishment of the district
27 library.

1 (b) The legislative body of each municipality identified in
2 the agreement described in section 4 adopts a resolution provid-
3 ing for the establishment of a district library and approving a
4 district library agreement.

5 (c) The proposed district library district does not overlap
6 any portion of another district library district.

7 (2) A participating municipality may provide in the resolu-
8 tion required by subsection (1) that only a portion of its terri-
9 tory is included in the district library district. Except as
10 provided in subsection (3), the portion of a participating munic-
11 ipality included in a district library district shall be bounded
12 by county, township, city, village, or school district
13 boundaries.

14 (3) A participating municipality other than a county may
15 exclude from a district library district only that portion of the
16 municipality's territory located within the boundaries of a
17 public library that is all of the following:

18 (a) Recognized by the ~~legislative council~~ DEPARTMENT as
19 lawfully established for the purposes of the distribution of
20 state aid and penal fines.

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

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

24 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
25 380.1852.

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

1 (4) On or before October 1, 1998, the boards of district
2 libraries having common jurisdiction over parcels of taxable
3 property shall file with the state librarian copies of resolu-
4 tions adopted by each, together with a copy of a map described in
5 subsection (5), certifying the exclusion of territory from one or
6 the other of the district library districts. The resolution and
7 the map shall demonstrate that no parcels of taxable property
8 remain within more than 1 district library district and shall
9 additionally demonstrate that the remaining district library dis-
10 tricts are each composed of a contiguous whole. If the boards of
11 district library districts having common jurisdiction over par-
12 cels of taxable property have not filed such resolutions and maps
13 with the state librarian by October 1, 1998, the ~~legislative~~
14 ~~council~~ DEPARTMENT shall approve a change in the boundaries of
15 those district libraries, eliminating the overlapped territory.
16 The ~~legislative council~~ DEPARTMENT shall obtain a statement
17 identifying the parcels that are located in the overlapping ter-
18 ritory from the treasurer of each county within which the dis-
19 trict library district is located and a statement of the date on
20 which such parcels were first included within the territory of a
21 district library district established in accordance with this
22 act. The ~~legislative council~~ DEPARTMENT shall direct the dis-
23 trict library board to ensure that any parcel that was originally
24 located within the boundaries of a district library district
25 remain in that original district library district and be excluded
26 from the territories of the other district library districts in
27 which it is located.

1 (5) Participating municipalities that propose to establish a
2 district library shall file with the state librarian all of the
3 following:

4 (a) A copy of an agreement described in section 4 that iden-
5 tifies the proposed library district.

6 (b) A copy of a map or drawing that is no smaller than 8-1/2
7 by 13 inches or larger than 14 by 18 inches and clearly shows the
8 territory proposed to be included in the district library
9 district.

10 (c) A map that unambiguously shows the relationship of the
11 proposed district library district to the adjacent and constitu-
12 ent units of government, which include counties, cities, vil-
13 lages, townships, school districts, and district libraries.

14 (6) The state librarian shall review the agreement described
15 in subsection (5)(a) and approve or disapprove of the proposed
16 district library district in accordance with section 5.

17 (7) Upon receiving notice of the state librarian's approval
18 of an agreement described in section 4, upon receiving notice of
19 a directive from the ~~legislative council~~ DEPARTMENT in accord-
20 ance with subsection (4), or upon expiration of the 10-day period
21 described in subsection (11), the secretary of the board of the
22 affected district library shall submit to the county treasurer of
23 each county in which the district library district is located and
24 to the treasurer of each municipality in which the district
25 library district is located a copy of all of the following:

26 (a) The state librarian's written statement of approval for
27 the district library issued in accordance with section 5 or the

1 ~~legislative council's~~ DEPARTMENT'S directive received in
2 accordance with subsection (4).

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

5 (c) If the district library includes only a portion of a
6 municipality, the tax identification number of each parcel of
7 property within that municipality which is included in the dis-
8 trict library district.

9 (8) Once an agreement is approved by the state librarian,
10 the boundaries of a district library established under this act
11 may be amended to do only the following:

12 (a) Provide for the withdrawal of a participating municipal-
13 ity in accordance with section 24.

14 (b) Add a participating municipality in accordance with sec-
15 tion 25.

16 (c) Eliminate certain territory in accordance with subsec-
17 tion (10).

18 (9) For any amendment described in subsection (8), the sec-
19 retary of the board of the district library shall file with each
20 of the following a copy of the map or drawing of the amended
21 boundaries approved by the participating municipalities:

22 (a) The county treasurer of each county in which the dis-
23 trict library is situated.

24 (b) The ~~legislative council~~ DEPARTMENT.

25 (10) A district library recognized by the legislative coun-
26 cil before ~~the effective date of the amendatory act that added~~
27 ~~this subsection~~ DECEMBER 29, 1997 may amend its boundaries to

1 eliminate territory located within the legal boundaries of a
2 public library or another district library district, if that
3 public library or other district library is recognized by the
4 ~~legislative council~~ DEPARTMENT as lawfully established for the
5 purposes of the distribution of state aid and penal fines. The
6 procedures for amending an agreement under section 5 do not apply
7 to a boundary amendment described in this subsection. A district
8 library that amends its boundaries under this subsection shall
9 meet all of the following requirements:

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

12 (b) The proposed amended boundaries exclude only that terri-
13 tory which is within the legal boundaries of a public library
14 established under this act or any of the following acts and rec-
15 ognized by the ~~legislative council~~ DEPARTMENT as lawfully
16 established for the purposes of the distribution of state aid and
17 penal fines:

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

19 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
20 380.1852.

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

22 (c) The district library files with the state librarian a
23 copy of the resolution of the board described in subdivision (a)
24 together with a map or drawing that complies with the require-
25 ments of subsection (5)(b).

26 (11) If a district library complies with subsection (4) or
27 (10) and the state librarian does not disapprove the amended

1 boundaries within 10 business days after receiving the map or
2 drawing described in subsection (10)(c), the boundaries are
3 amended.

4 (12) The territory that has been excluded from any district
5 library district under subsection (4) or (10) shall remain a part
6 of the district library district from which it has been excluded
7 for the purpose of levying debt retirement taxes for bonded
8 indebtedness of the district library district that exists on ~~the~~
9 ~~effective date of the amendatory act that added this subsection~~
10 DECEMBER 29, 1997. The territory shall remain a part of that
11 district library district until the bonds are redeemed or suffi-
12 cient funds are available in the debt retirement fund of the dis-
13 trict library for that purpose.

14 Sec. 5. (1) The legislative bodies of the municipalities
15 that establish a district library shall submit the agreement to
16 the state librarian within 10 days following the date on which
17 the agreement is adopted. A board shall submit an amendment to
18 the agreement to the state librarian within 10 days following the
19 date on which the amendment is adopted.

20 (2) The state librarian shall approve an agreement or an
21 amendment to an agreement submitted pursuant to subsection (1) or
22 a revision in board structure submitted pursuant to section 6 if
23 it conforms to the requirements of this act and shall disapprove
24 the agreement, amendment, or revision if it does not conform to
25 the requirements of this act. Within 30 days following the date
26 on which the state librarian receives an agreement, amendment, or
27 revision, the state librarian shall send to the board or the

1 legislative bodies that submitted the agreement, amendment, or
2 revision a written statement of approval or disapproval. If the
3 state librarian disapproves the agreement, amendment, or revi-
4 sion, the state librarian shall explain in the written statement
5 the reasons for the disapproval, and the ~~legislative council~~
6 DEPARTMENT shall not recognize the district library as lawfully
7 established for purposes of the distribution of state aid and
8 penal fines until the state librarian approves an amendment or
9 revision that causes the agreement to conform to the requirements
10 of this act. If the state librarian fails to send a written
11 statement of approval or disapproval within 30 days following the
12 date on which the state librarian receives the agreement, amend-
13 ment, or revision, it shall be considered approved.

14 Enacting section 1. This amendatory act does not take
15 effect unless Senate Bill No. _____ or House Bill No. 4941
16 (request no. 02873'01) of the 91st Legislature is enacted into
17 law.