

# HOUSE BILL No. 4943

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

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, and 23 (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, and 397.573), 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:**

TITLE

An act to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the ~~legislative council~~ DEPARTMENT OF HISTORY, ARTS, AND CULTURE; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative

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 CULTURE.

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

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

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 igned 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

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

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, 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

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.

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

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

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

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 dupli-  
8 cation 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.

21 Enacting section 1. This amendatory act does not take  
22 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4941  
23 (request no. 02873'01) of the 91st Legislature is enacted into  
24 law.