

Act No. 64
Public Acts of 2001
Approved by the Governor
July 23, 2001
Filed with the Secretary of State
July 24, 2001
EFFECTIVE DATE: October 1, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. Lemmons and Stewart

ENROLLED HOUSE BILL No. 4942

AN ACT to amend 1989 PA 24, entitled "An act 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 governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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:

Sec. 2. As used in this act:

(a) "Agreement" means a district library agreement required by section 3 or the agreement governing a district library established pursuant to former 1955 PA 164.

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

(c) "Department" means the department of history, arts, and libraries.

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

(e) "General election" means that term as defined in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

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

(g) "Largest" means, if used in reference to a county, the county having the most registered electors of a district as last reported to the county clerk pursuant to section 661 of the Michigan election law, 1954 PA 116, MCL 168.661.

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

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

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

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

(i) "Local act school district" as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(ii) "Local school district" as that term is used in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(l) "State librarian" means the librarian appointed pursuant to section 5 of the library of Michigan act, 1982 PA 540, MCL 397.15.

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

(a) If the proposed district contains a public library, other than a district library established under this act, and that public library is recognized by the department as lawfully established for purposes of the distribution of state aid and penal fines, the governing board of the public library approves the establishment of the district library.

(b) The legislative body of each municipality identified in the agreement described in section 4 adopts a resolution providing for the establishment of a district library and approving a district library agreement.

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

(2) A participating municipality may provide in the resolution required by subsection (1) that only a portion of its territory is included in the district library district. Except as provided in subsection (3), the portion of a participating municipality included in a district library district shall be bounded by county, township, city, village, or school district boundaries.

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

(a) Recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines.

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

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

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

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

(4) On or before October 1, 1998, the boards of district libraries having common jurisdiction over parcels of taxable property shall file with the state librarian copies of resolutions adopted by each, together with a copy of a map described in subsection (5), certifying the exclusion of territory from one or the other of the district library districts. The resolution and the map shall demonstrate that no parcels of taxable property remain within more than 1 district library district and shall additionally demonstrate that the remaining district library districts are each composed of a contiguous whole. If the boards of district library districts having common jurisdiction over parcels of taxable property have not filed such resolutions and maps with the state librarian by October 1, 1998, the department shall approve a change in the boundaries of those district libraries, eliminating the overlapped territory. The department shall obtain a statement identifying the parcels that are located in the overlapping territory from the treasurer of each county within which the district library district is located and a statement of the date on which such parcels were first included within the territory of a district library district established in accordance with this act. The department shall direct the district library board to ensure that any parcel that was originally located within the boundaries of a district library district remain in that original district library district and be excluded from the territories of the other district library districts in which it is located.

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

(a) A copy of an agreement described in section 4 that identifies the proposed library district.

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

(c) A map that unambiguously shows the relationship of the proposed district library district to the adjacent and constituent units of government, which include counties, cities, villages, townships, school districts, and district libraries.

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

(7) Upon receiving notice of the state librarian's approval of an agreement described in section 4, upon receiving notice of a directive from the department in accordance with subsection (4), or upon expiration of the 10-day period described in subsection (11), the secretary of the board of the affected district library shall submit to the county treasurer of each county in which the district library district is located and to the treasurer of each municipality in which the district library district is located a copy of all of the following:

(a) The state librarian's written statement of approval for the district library issued in accordance with section 5 or the department's directive received in accordance with subsection (4).

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

(c) If the district library includes only a portion of a municipality, the tax identification number of each parcel of property within that municipality which is included in the district library district.

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

- (a) Provide for the withdrawal of a participating municipality in accordance with section 24.
- (b) Add a participating municipality in accordance with section 25.
- (c) Eliminate certain territory in accordance with subsection (10).

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

- (a) The county treasurer of each county in which the district library is situated.
- (b) The department.

(10) A district library recognized by the legislative council before December 29, 1997 may amend its boundaries to eliminate territory located within the legal boundaries of a public library or another district library district, if that public library or other district library is recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines. The procedures for amending an agreement under section 5 do not apply to a boundary amendment described in this subsection. A district library that amends its boundaries under this subsection shall meet all of the following requirements:

- (a) The board of the district library adopts a resolution designating the territory to be excluded from its boundaries.
- (b) The proposed amended boundaries exclude only that territory which is within the legal boundaries of a public library established under this act or any of the following acts and recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines:

- (i) 1877 PA 164, MCL 397.201 to 397.217.
- (ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
- (iii) 1917 PA 138, MCL 397.301 to 397.305.

(c) The district library files with the state librarian a copy of the resolution of the board described in subdivision (a) together with a map or drawing that complies with the requirements of subsection (5)(b).

(11) If a district library complies with subsection (4) or (10) and the state librarian does not disapprove the amended boundaries within 10 business days after receiving the map or drawing described in subsection (10)(c), the boundaries are amended.

(12) The territory that has been excluded from any district library district under subsection (4) or (10) shall remain a part of the district library district from which it has been excluded for the purpose of levying debt retirement taxes for bonded indebtedness of the district library district that exists on December 29, 1997. The territory shall remain a part of that district library district until the bonds are redeemed or sufficient funds are available in the debt retirement fund of the district library for that purpose.

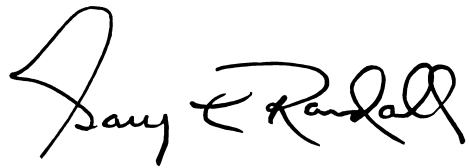
Sec. 5. (1) The legislative bodies of the municipalities that establish a district library shall submit the agreement to the state librarian within 10 days following the date on which the agreement is adopted. A board shall submit an amendment to the agreement to the state librarian within 10 days following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

(2) The state librarian shall approve an agreement or an amendment to an agreement submitted pursuant to subsection (1) or a revision in board structure submitted pursuant to section 6 if it conforms to the requirements of this act and shall disapprove the agreement, amendment, or revision if it does not conform to the requirements of this act. Within 30 days following the date on which the state librarian receives an agreement, amendment, or revision, the state librarian shall send to the board or the legislative bodies that submitted the agreement, amendment, or revision a written statement of approval or disapproval. If the state librarian disapproves the agreement, amendment, or revision, the state librarian shall explain in the written statement the reasons for the disapproval, and the department shall not recognize the district library as lawfully established for purposes of the distribution of state aid and penal fines until the state librarian approves an amendment or revision that causes the agreement to conform to the requirements of this act. If the state librarian fails to send a written statement of approval or disapproval within 30 days following the date on which the state librarian receives the agreement, amendment, or revision, it shall be considered approved.

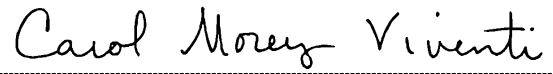
Enacting section 1. This amendatory act takes effect October 1, 2001.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4941 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.