

Act No. 65
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. Middaugh and Stewart

ENROLLED HOUSE BILL No. 4943

AN ACT to amend 1977 PA 89, entitled "An act to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the legislative council; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal certain acts and parts of acts," 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:

TITLE

An act to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the department of history, arts, and libraries; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal acts and parts of acts.

Sec. 2. As used in this act:

- (a) "Department" means the department of history, arts, and libraries.
- (b) "Local board" means the board of trustees or directors that has as its primary purpose the supervision of a local public library, or that board contracting for library service, or, if such a board does not exist, the legislative body of the local government that maintains the public library.
- (c) "Local support" means funds from tax sources, gifts, endowments, penal fines, or other funds received from local sources, excluding state and federal aid as stated in this act.
- (d) "Public library" means a library that is lawfully established for free public purposes by 1 or more counties, cities, townships, villages, school districts, or other local governments or a combination thereof, or by a public or local act, the entire interests of which belong to the general public. Public library does not include a special library such as a professional, technical, or school library.
- (e) "Cooperative board" means the governing board of a cooperative library.
- (f) "Cooperative library" means the library or service center designated by a cooperative board to execute services established by a cooperative plan and provided to libraries participating in a cooperative.

Sec. 3. Cooperative boards representing local public libraries shall be established in accordance with this act and approved by the department. The number of cooperative boards shall be determined by the department in accordance with section 6.

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

- (a) Two or more counties with a total population of at least 100,000.
- (b) One county plus portions of other counties with a population of at least 100,000.
- (c) One county or portion thereof with a population of at least 400,000.
- (d) Portions of 2 or more counties with a population of at least 350,000.
- (e) Combinations of counties or portions of counties serving a population of at least 50,000, if the region served has a population of 35 or fewer persons per square mile.

(f) The area covered by a cooperative library shall recognize the geosocioeconomic conditions within that area and regions established for governmental purposes throughout the state. A local board placed in a cooperative library shall have the option to petition the department to be placed in a different cooperative library or to join with other local boards to form a cooperative library under this act. A local board serving an area adjoining more than 1 cooperative library shall have the option to determine the cooperative library in which it participates.

(g) The system board of an existing library system serving over 1,000,000 population may petition the department for designation as a cooperative board, and the department shall designate that system board, as already constituted, as the cooperative board. If a cooperative board is a county library board, the cooperative plan shall provide for expanding the cooperative board to represent proportionately the population served in any other county or counties within the area of the cooperative library. This expanded cooperative board shall have authority over those matters affecting the operation of the cooperative library except for the property, personnel, and governmental relationships of the county whose board was designated as the cooperative board, which matters shall continue to be the responsibility of that county library board. The department shall include in the cooperative library serving over 1,000,000 population the communities presently served by the existing system and all other communities not in another cooperative library within counties represented by members on the expanded cooperative board other than the designated system board members.

Sec. 9. Following establishment of a cooperative board, the cooperative board shall submit to the department a plan that designates and describes the responsibilities of the cooperative library, provides for future selection of cooperative board membership, and gives notice of the cooperative board's meeting dates. The original plan and any substantial modification shall be approved by the department. A cooperative board has no jurisdiction over the property or management of a local library.

Sec. 11. Following establishment of a cooperative board, residents of the cooperative library's area are eligible to use the facilities and resources of the member libraries subject to the rules of the cooperative library plan. Services of the cooperative library, including those of participating libraries, are to be available at reasonable times and on an equal basis within the areas served to schoolchildren, individuals in public and nonpublic institutions of learning, and a student or resident within the area. An applicant refused service may appeal to the department, which shall review the operation of the cooperative library and may withhold state aid funds until the services are granted.

Sec. 12. Once a cooperative plan has been accepted by the department and a cooperative board has been established, a local board shall adopt a resolution requesting that the local library become a participating library in the cooperative library. Duplicate copies of the resolution, certified by the clerk of the local board, shall be filed with the cooperative board. The cooperative board shall accept or show reason for denial of the request for membership within 60 days after filing. When the cooperative board has accepted the resolution, the resolution and the acceptance shall be indorsed and a copy filed with the department. The participating library has the same rights, duties, and privileges as other libraries participating in that cooperative library.

Sec. 14. A cooperative board shall provide, directly or through a written contract, services to member libraries within the cooperative library's area. The services, subject to standards approved by the department in consultation with the state librarian, may include:

- (a) A central pool or rotating book collection.
- (b) In-service training.
- (c) Book selection aids.
- (d) Bibliographic services.
- (e) Audio-visual services.
- (f) Bookmobile service or other outlets to outlying areas.

- (g) Publicity and public relations.
- (h) Printing.
- (i) A centralized purchasing operation.
- (j) Centralized processing, including cataloging and marking.
- (k) Reference services.
- (l) Delivery service.

Sec. 15. When the state aid grant is insufficient to provide all services, the member libraries may be required to pay for services in a priority order to be specified in the cooperative plan. Cooperative library headquarters shall be linked to the library of Michigan and may be required upon adequate funding to provide other services considered essential to good public library service and so designated by the department in consultation with the state librarian.

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

(2) A public library shall receive 50 cents per capita from state aid during the fiscal year 1978-79 if in the prior year the public library received local support equal to that required by this act, the library has not reduced its local support by an amount equal to or larger than the state aid from the previous year without the approval of the department, and the library meets the minimum standards established by the department and this act.

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

(4) A public library belonging to a cooperative library shall receive from state aid each year after fiscal year 1977-78 an additional 50 cents per capita, all or part of which shall be used to pay for cooperative services from the cooperative board as provided by section 15 and the cooperative plan. When the cost of the cooperative library services has been paid, any remaining portion of the grant may be applied to local services under subsection (2). Each public library cooperative that qualifies under this act during fiscal year 1977-78 and following years shall receive an amount of \$10.00 per square mile for the area that it serves if the area served has fewer than 75 people per square mile.

(5) A public library that is a county library serving a population of 50,000 or fewer that appoints to the office of head librarian a person with either a bachelor of arts or a bachelor of science degree from a college or university approved by an accrediting association of more than statewide standing, including or supplemented by 1 full year of training in a library school accredited by the American library association and with at least 4 years' experience in an administrative capacity in an approved library, shall be reimbursed for that portion of the salary not exceeding \$400.00 for any 1 month or \$4,800.00 in any 1 year, if the county library received during the last completed fiscal year before the year in which distribution is to be made, from the county or counties not less than \$3,600.00 exclusive of money received from federal or state grants in aid to the library. Wage increases to present employees shall be paid equally by the state and local governments. Before September 6, December 6, March 6, and June 6 of the year of distribution, the county library board or the board's authorized agent shall certify to the department the actual amount of the salary paid the head librarian during the 3-month period immediately preceding those months.

Sec. 17. A cooperative library and public library shall conform to certification requirements for personnel as established by the department in order to qualify for state aid.

Sec. 18. A cooperative library and public library desiring to participate in state aid shall apply before February 1 of each year of distribution. The applicant shall certify to the department the amount of money received from each source during the last completed fiscal year before October 1 of the year of distribution.

Sec. 19. The department shall prepare a statement of the amount to be distributed in accordance with this act. Vouchers for disbursement of state aid shall be signed by an authorized agent of the department and delivered to the department of management and budget, which shall draw up warrants on the department of treasury in favor of the fiscal agent of the cooperative board or local board. State aid shall be distributed by September 30 of the year of distribution.

Sec. 20. A cooperative library or public library receiving state aid shall deposit the money in a separate fund. Expenditures from that fund are subject to review by the department or its authorized representative.

Sec. 22. When there is a dispute concerning the cooperative library to which a public library shall belong, services rendered to member libraries, or the operations of a cooperative system which cannot be resolved on the local level, the department may hear the case. The decision of the department is final.

Sec. 23. The department shall consider the following needs in carrying out its powers and duties:

(a) Library facilities shall be provided to residents of the area covered by a cooperative library without needless duplication of facilities, resources, or expertise.

(b) Establishment of a local public library may be approved for state aid purposes where local conditions require an additional local public library.

(c) Existing public libraries and new public libraries shall cooperate to provide adequate library services at a reasonable cost.

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

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

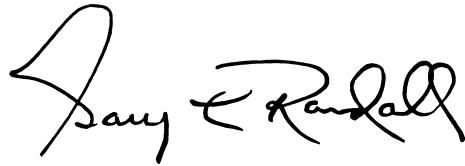
Sec. 25. (1) There is appropriated for public libraries from the general fund of the state for the fiscal year ending September 30, 1977, and for each fiscal year thereafter, the sum necessary to fulfill the requirements of this act. The appropriation shall be distributed as provided in this act.

(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.

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.