

HOUSE BILL No. 5993

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1989 PA 24, entitled
"The district library establishment act,"
by amending section 24 (MCL 397.194), as amended by 2005 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24. (1) Except to the extent that the agreement provides
2 otherwise, a participating municipality in which a district library
3 tax is in effect or authorized to be levied by the district library
4 or by the participating municipality may withdraw from the district
5 library if all of the following requirements are satisfied:

6 (a) Not less than 2 months before the next regularly scheduled
7 election of the municipality, the legislative body of the
8 municipality adopts a resolution to withdraw from the district

1 library on a date specified in the resolution. The date specified
2 shall be not less than 6 months after the next regularly scheduled
3 election of the municipality.

4 (b) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of an election on
5 the resolution is published in a newspaper published or of general
6 circulation in the municipality not less than 10 days before the
7 next regularly scheduled election of the municipality following
8 adoption of the resolution. **BEGINNING JANUARY 1, 2015, NOTICE OF AN**
9 **ELECTION ON THE RESOLUTION SHALL BE PUBLISHED USING TIER B PUBLIC**
10 **NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT**
11 **LESS THAN 14 DAYS BEFORE THE NEXT REGULARLY SCHEDULED ELECTION OF**
12 **THE MUNICIPALITY FOLLOWING ADOPTION OF THE RESOLUTION.**

13 (c) The resolution is approved by a majority of the electors
14 of the municipality voting on the resolution at the next regularly
15 scheduled election of the municipality following adoption of the
16 resolution. If only a portion of the territory of a municipality is
17 included in the district, the vote shall be conducted only in that
18 portion of the municipality included in the district.

19 (d) After approval of the resolution by the electors, the
20 clerk of the municipality or, if the municipality is a school
21 district, the school district election coordinator files with the
22 library of Michigan a copy of the official canvass statement and a
23 certified copy of the resolution and files with the board a copy of
24 the official canvass statement and a number of certified copies of
25 the resolution sufficient for distribution to the legislative body
26 of each of the participating municipalities.

27 (e) Payment or the provision for payment to the district

1 library or its creditors of all obligations of the municipality
2 seeking to withdraw is made.

3 (f) The legislative body of the withdrawing municipality
4 furnishes to the library of Michigan a plan for continuing, after
5 the municipality no longer receives library services from the
6 district library, public library service for all residents of the
7 withdrawing municipality or the portion of the territory of the
8 withdrawing municipality that is included in the district.

9 (2) A district library tax in effect or authorized to be
10 levied by the district library or by the withdrawing municipality
11 before the adoption of the resolution to withdraw shall be levied
12 in the municipality for its original purpose but only for the
13 period of time originally authorized and only so long as the board
14 continues in existence. In addition, a municipality that withdraws
15 from a district library shall continue to receive library services
16 from the district library so long as a districtwide tax authorized
17 to be levied before the withdrawal of the municipality continues to
18 be levied in the municipality and the district library remains in
19 operation.

20 (3) Except to the extent that the agreement provides
21 otherwise, a participating municipality in which no district
22 library tax is in effect or authorized to be levied by either the
23 district library or the participating municipality may withdraw
24 from the district library if all of the following requirements are
25 satisfied:

26 (a) The legislative body of the municipality adopts a
27 resolution to withdraw from the district library on a date

1 specified in the resolution. The withdrawal date shall follow the
2 date of the resolution by not less than 1 year.

3 (b) The clerk of the municipality or, if the municipality is a
4 school district, the school district election coordinator files
5 with the library of Michigan a certified copy of the resolution and
6 files with the board a number of certified copies of the resolution
7 sufficient for distribution to the legislative bodies of each of
8 the participating municipalities.

9 (c) The requirements of subsection (1)(e) and (f) are
10 satisfied.

11 (4) After the withdrawal of a municipality, the agreement
12 shall be amended to reflect the withdrawal.

13 (5) The state librarian may initiate proceedings to dissolve a
14 district library established under this act if he or she finds 1 or
15 more of the following:

16 (a) The district library does not qualify for distribution of
17 state aid and penal fines.

18 (b) The district library board has not met within the last 12
19 months.

20 (c) The district library lacks the funding to provide adequate
21 library-related services.

22 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 5560 of the 97th Legislature is enacted into
24 law.