

# Legislative Analysis



## REESTABLISHMENT OF FREE LIBRARIES IN CHARTER TOWNSHIPS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4119 as referred to second committee**

Analysis available at  
<http://www.legislature.mi.gov>

**Sponsor: Rep. Luke Meerman**

**1st Committee: Local Government and Municipal Finance**

**2nd Committee: Ways and Means**

**Complete to 2-26-19**

### SUMMARY:

House Bill 4119 would amend the Charter Township Act to allow charter townships to reestablish certain free public libraries.

The act currently allows the township board of a charter township located in a county with a population of between 750,000 and 2,000,000 to establish and maintain a free public library if the township was not located within the service area of an established free public library within the previous three years.

The bill would also allow the township board of a charter township to reestablish and maintain a free public library that was established as a township library under a public act that was since repealed.

MCL 42.13a

### BACKGROUND INFORMATION:

House Bill 4119 is understood to be a response to a situation created when the 1955 School Code was repealed in 1976 with the enactment of the Revised School Code. Under the 1955 code, townships could establish public libraries—either on their own or with a school district—to be funded and governed by the township or school board, as appropriate. The 1976 code eliminated this provision as part of its overall reorganization of the school code, though the ability to create a school or public library was retained and amended under MCL 380.1451. This created a legal gap, however: the 1976 code included no transitory language for libraries created under the 1955 code, leaving them in limbo on how to proceed.

This situation has never been legislatively addressed, though the Library of Michigan has presumed that existing libraries created under the 1955 code are lawfully established for purposes of state aid and penal fine distribution. Legislation has been offered in the past to address the issue, but none has been enacted that completely resolves it.

## **FISCAL IMPACT:**

Currently existing charter township libraries that could be reestablished under the bill already receive both state aid to libraries and penal fine revenue and are already incorporated into their charter township operating budgets. Library of Michigan staff indicated that they could not identify a case where a charter township library formerly existed, but ceased operation, and could be reestablished under the bill; therefore, the bill would have no impact on any currently operating library's state aid to libraries or penal fine revenue allocation.

## **POSITIONS:**

The following entities testified in support of the bill (2-13-19):

- Michigan Township Association
- Allendale Charter Township

Legislative Analyst: Nick Kelly  
Fiscal Analysts: Samuel Christensen  
Jacqueline Mullen

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.