

HOUSE BILL No. 5868

September 30, 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 3 (MCL 397.173), as amended by 2005 PA 60, and by adding sections 3c and 3d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Except as otherwise provided under subsection
2 ~~(13)~~, **(12)**, 2 or more municipalities, except 2 or more school
3 districts that hold their regularly scheduled elections on
4 different dates, authorized by law to establish and maintain a
5 library or library services may jointly establish a district
6 library if each of the following requirements is satisfied:

7 (a) If the proposed district contains a public library, other
8 than a district library established under this act, and that public
9 library is recognized by the department as lawfully established for

1 purposes of the distribution of state aid and penal fines, the
2 governing board of the public library approves the establishment of
3 the district library.

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

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

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

16 (3) A city, village, or township may exclude from a district
17 library district only that portion of the municipality's territory
18 located within the boundaries of a public library that is all of
19 the following:

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

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

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

24 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
25 380.1852.

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

27 ~~(4) On or before October 1, 1998, the boards of district~~

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

25 (4) ~~(5)~~ Participating municipalities that propose to establish
26 a district library shall file with the state librarian both of the
27 following:

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

3 (b) A copy of a map or drawing that is no smaller than 8-1/2
4 by 11 inches or larger than 14 by 18 inches and clearly shows the
5 territory proposed to be included in the district library district.
6 The map shall unambiguously show the relationship of the proposed
7 district library district to the adjacent and constituent units of
8 government, which include counties, cities, villages, townships,
9 school districts, and district libraries.

10 (5) ~~(6)~~—The state librarian shall review the agreement
11 described in section 4 and the map described in subsection ~~(5)(b)~~
12 (4) (B) and approve or disapprove of the proposed district library
13 district in accordance with section 5. The participating
14 municipalities shall cooperate with the state librarian to correct
15 any errors or changes in the agreement or map that the state
16 librarian considers necessary to comply with this act.

17 (6) ~~(7)~~—Upon receiving notice of the state librarian's
18 approval of an agreement described in section 4, ~~upon receiving~~
19 ~~notice of a directive from the department in accordance with~~
20 ~~subsection (4),~~ or upon expiration of the 10-day period described
21 in subsection ~~(11)~~, ~~(10)~~, the secretary of the board of the
22 affected district library shall submit to the county treasurer of
23 each county in which the district library district is located and
24 to the treasurer of each municipality in which the district library
25 district is located a copy of all of the following:

26 (a) The state librarian's written statement of approval for
27 the district library issued in accordance with section 5. ~~or the~~

1 ~~department's directive received in accordance with subsection (4).~~

2 (b) The map or drawing of the district library's territory
3 described in subsection ~~(5)(b)~~. **(4) (B)** .

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

8 **(7) (8)**—Once an agreement is approved by the state librarian,
9 the agreement and boundaries of a district library established
10 under this act may be amended to do only the following:

11 (a) Provide for the withdrawal of a participating municipality
12 in accordance with section 24.

13 (b) Add a participating municipality in accordance with
14 section 25.

15 **(C) PROVIDE FOR THE DISINCORPORATION, ANNEXATION,**
16 **CONSOLIDATION, OR MERGER OF A PARTICIPATING MUNICIPALITY IN**
17 **ACCORDANCE WITH SECTIONS 3C AND 3D.**

18 **(D) (e)**—Provide for the merging of 2 or more district
19 libraries.

20 **(E) (d)**—Eliminate certain territory in accordance with
21 subsection ~~(10)~~. **(9)** .

22 **(8) (9)**—For any amendment described in subsection ~~(8)~~, **(7)** ,
23 the secretary of the board of the district library shall file with
24 each of the following a copy of the map or drawing of the amended
25 boundaries approved by the participating municipalities:

26 (a) The county treasurer of each county in which the district
27 library is situated.

1 (b) The department.

2 (9) ~~(10)~~—A district library recognized by the legislative
3 council before December 29, 1997 may amend its boundaries to
4 eliminate territory located within the legal boundaries of a public
5 library or another district library district, if that public
6 library or other district library is recognized by the department
7 as lawfully established for the purposes of the distribution of
8 state aid and penal fines. The procedures for amending an agreement
9 under section 5 do not apply to a boundary amendment described in
10 this subsection. A district library that amends its boundaries
11 under this subsection shall meet all of the following requirements:

12 (a) The board of the district library adopts a resolution
13 designating the territory to be excluded from its boundaries.

14 (b) The proposed amended boundaries exclude only that
15 territory which is within the legal boundaries of a public library
16 established under this act or any of the following acts and
17 recognized by the department as lawfully established for the
18 purposes of the distribution of state aid and penal fines:

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

20 (ii) The revised school code, 1976 PA 451, MCL 380.1 to
21 380.1852.

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

23 (c) The district library files with the state librarian a copy
24 of the resolution of the board described in subdivision (a)
25 together with a map or drawing that complies with the requirements
26 of subsection ~~(5)(b)~~ **(4)(B)**.

27 **(10)** ~~(11)~~—If a district library complies with subsection ~~(4)~~

1 ~~or (10)~~ (9) and the state librarian does not disapprove the amended
2 boundaries within 10 business days after receiving the map or
3 drawing described in subsection ~~(10)(e)~~, (9) (C), the boundaries are
4 amended.

5 (11) ~~(12)~~—The territory that has been excluded from any
6 district library district under subsection ~~(4)~~ ~~or (10)~~ (9) shall
7 remain a part of the district library district from which it has
8 been excluded for the purpose of levying debt retirement taxes for
9 bonded indebtedness of the district library district that exists on
10 December 29, 1997. The territory shall remain a part of that
11 district library district until the bonds are redeemed or
12 sufficient funds are available in the debt retirement fund of the
13 district library for that purpose.

14 (12) ~~(13)~~—Except for a school district and with the approval
15 of the state librarian, a single municipality may establish a
16 district library under this section if each of the following
17 requirements is satisfied:

18 (a) The municipality has made an assertive effort over a
19 period of time of not less than 3 consecutive years to form a
20 district library with 1 or more other municipalities.

21 (b) The municipality has submitted to and received the state
22 librarian's approval of a plan of service.

23 (c) The municipality has a population of 4,500 or more.

24 (d) The municipality is otherwise qualified and meets the
25 requirements of a district library under this act.

26 (e) Any other requirements considered necessary by the state
27 librarian to ensure that a district library created under this

1 section complies with the intent of this act.

2 SEC. 3C. IF 2 OR MORE PARTICIPATING MUNICIPALITIES ESTABLISH A
3 DISTRICT LIBRARY UNDER THIS ACT AND 1 OR MORE OF THOSE
4 PARTICIPATING MUNICIPALITIES IS SUBSEQUENTLY DISINCORPORATED,
5 ANNEXED, CONSOLIDATED, OR MERGED, OR IF ALL PARTICIPATING
6 MUNICIPALITIES ARE CONSOLIDATED OR MERGED INTO 1 MUNICIPALITY, THE
7 DISINCORPORATION, ANNEXATION, CONSOLIDATION, OR MERGER DOES NOT
8 AFFECT THE VALIDITY OF THE DISTRICT LIBRARY, AND ALL OF THE
9 FOLLOWING APPLY:

10 (A) THE DISTRICT LIBRARY SHALL CONTINUE TO BE RECOGNIZED FOR
11 ALL PURPOSES AS A LAWFULLY ESTABLISHED DISTRICT LIBRARY THAT MAY
12 CONTINUE TO EXERCISE ALL POWERS, DUTIES, FUNCTIONS, AND
13 RESPONSIBILITIES, INCLUDING THE LEVY OF TAXES AUTHORIZED BY THE
14 ELECTORS OF THE DISTRICT, AS PROVIDED IN THE AGREEMENT, THIS ACT,
15 AND ANY OTHER APPLICABLE LAW.

16 (B) IF 2 OR MORE PARTICIPATING MUNICIPALITIES REMAIN IN THE
17 DISTRICT LIBRARY, THOSE MUNICIPALITIES SHALL AMEND THE AGREEMENT TO
18 REFLECT THE DISINCORPORATION, ANNEXATION, CONSOLIDATION, OR MERGER.
19 IF ONLY 1 PARTICIPATING MUNICIPALITY REMAINS IN THE DISTRICT
20 LIBRARY AFTER THE DISINCORPORATION, ANNEXATION, CONSOLIDATION, OR
21 MERGER, OR IF ALL PARTICIPATING MUNICIPALITIES ARE MERGED OR
22 CONSOLIDATED INTO 1 MUNICIPALITY, THAT MUNICIPALITY SHALL ASSUME
23 THE POWERS, DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE FORMER
24 PARTICIPATING MUNICIPALITY OR MUNICIPALITIES WITHOUT AMENDMENT OF
25 THE AGREEMENT.

26 (C) THE TERMS OF THE DISTRICT LIBRARY BOARD MEMBERS SHALL
27 CONTINUE AS PROVIDED IN THE AGREEMENT AND THIS ACT, EXCEPT THAT IF

1 THE DISTRICT LIBRARY BOARD MEMBERS ARE APPOINTED, THE LEGISLATIVE
2 BODY OF A SINGLE REMAINING PARTICIPATING MUNICIPALITY OR A
3 CONSOLIDATED OR MERGED MUNICIPALITY SHALL APPOINT DISTRICT LIBRARY
4 BOARD MEMBERS AS THE TERMS OF DISTRICT LIBRARY BOARD MEMBERS
5 EXPIRE.

6 SEC. 3D. (1) TWO DISTRICT LIBRARIES MAY AMEND A CONTIGUOUS
7 BOUNDARY BY TRANSFERRING A PORTION OF 1 DISTRICT LIBRARY TO THE
8 OTHER DISTRICT LIBRARY IF ALL OF THE FOLLOWING REQUIREMENTS ARE
9 SATISFIED:

10 (A) THE TRANSFER AREA IS BOUNDED BY COUNTY, TOWNSHIP, CITY,
11 VILLAGE, OR SCHOOL DISTRICT BOUNDARIES.

12 (B) THE GOVERNING BOARD OF EACH DISTRICT LIBRARY ADOPTS A
13 RESOLUTION APPROVING THE TRANSFER BY MAJORITY VOTE OF THE MEMBERS
14 APPOINTED AND SERVING.

15 (C) BY RESOLUTION WITHIN THE TIME PERIOD SPECIFIED IN A
16 RESOLUTION DESCRIBED IN SUBDIVISION (B), THE GOVERNING BOARD OF
17 EACH PARTICIPATING MUNICIPALITY FOR BOTH DISTRICT LIBRARIES
18 APPROVES THE TRANSFER BY MAJORITY VOTE OF THE MEMBERS APPOINTED AND
19 SERVING.

20 (D) BOTH AGREEMENTS ARE AMENDED TO REFLECT THE TRANSFER. THE
21 AMENDMENTS TO THE AGREEMENTS SHALL INCLUDE, BUT ARE NOT LIMITED TO,
22 ALL OF THE FOLLOWING:

23 (i) CHANGES IN BOARD REPRESENTATION.

24 (ii) THE MONEY NECESSARY FROM EACH PARTICIPATING MUNICIPALITY
25 FOR THE ESTABLISHMENT AND OPERATION OF THE DISTRICT LIBRARIES.

26 (iii) A REVISED LEGAL DESCRIPTION OF THE DISTRICT.

27 (iv) A MAP THAT CLEARLY SHOWS THE REVISED SERVICE AREA OF EACH

1 NEW DISTRICT LIBRARY.

2 (E) EACH DISTRICT LIBRARY SHALL SUBMIT THE RESOLUTIONS
3 DESCRIBED IN SUBDIVISIONS (B) AND (C) AND THE AMENDMENTS TO THE
4 AGREEMENT DESCRIBED IN SUBDIVISION (D) TO THE STATE LIBRARIAN.

5 (2) IF A DISTRICTWIDE LIBRARY TAX IS BEING LEVIED IN THE
6 DISTRICT LIBRARY DISTRICT RECEIVING THE TRANSFER AREA, THE BOARD OF
7 THAT DISTRICT LIBRARY SHALL CONDITION ACCEPTANCE OF THE TRANSFER
8 AREA ON THE APPROVAL OF THE TAX BY A MAJORITY OF THE ELECTORS
9 RESIDING IN THE TRANSFER AREA. FAILURE OF A MAJORITY OF THE
10 ELECTORS RESIDING IN THE TRANSFER AREA TO APPROVE THE TAX DOES NOT
11 AFFECT THE VALIDITY OF THE CONTINUED LEVY OF ANY PREVIOUSLY
12 AUTHORIZED MILLAGE BY THE DISTRICT LIBRARY TRANSFERRING THE
13 TRANSFER AREA. A TAX LEVIED BY THE DISTRICT LIBRARY TRANSFERRING
14 THE TRANSFER AREA WILL BE EXTINGUISHED IN THE TRANSFER AREA UPON
15 APPROVAL BY A MAJORITY OF THE ELECTORS RESIDING IN THE TRANSFER
16 AREA.

17 (3) IF A DISTRICTWIDE LIBRARY TAX IS NOT BEING LEVIED BY THE
18 DISTRICT LIBRARY RECEIVING THE TRANSFER AREA AT THE TIME OF THE
19 TRANSFER, BUT A DISTRICTWIDE LIBRARY TAX IS BEING LEVIED BY THE
20 DISTRICT LIBRARY TRANSFERRING THE TRANSFER AREA, THE DISTRICTWIDE
21 TAX OF THE DISTRICT LIBRARY TRANSFERRING THE TRANSFER AREA IS
22 EXTINGUISHED IN THE TRANSFER AREA ONLY UPON APPROVAL OF THE
23 TRANSFER BY THE STATE LIBRARIAN.

24 (4) AS USED IN THIS SECTION, "TRANSFER AREA" MEANS THE PORTION
25 OF THE DISTRICT LIBRARY DISTRICT TO BE TRANSFERRED.