

# THE DISTRICT LIBRARY ESTABLISHMENT ACT

## Act 24 of 1989

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.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 1998, Act 176, Eff. Mar. 23, 1999

**Popular Name:** District Libraries Act

*The People of the State of Michigan enact:*

### 397.171 Short title.

#### Sec. 1.

This act shall be known and may be cited as "the district library establishment act".

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### 397.172 Definitions.

#### 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 under former 1955 PA 164.
- (b) "Board" means a district library board.
- (c) "Department" means the department of education.
- (d) "District" means the territory of the participating municipalities that is served by a district library established under this act.
- (e) "General election" means that term as defined in section 2 of the Michigan election law, 1954 PA 116, MCL 168.2.
- (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 under 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 department.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2001, Act 64, Eff. Oct. 1, 2001 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005 ;-- Am. 2015, Act 108, Imd. Eff. June 30, 2015

**Popular Name:** District Libraries Act

**397.173 Joint establishment of district library; requirements; portion of municipality to be included in district library; excluded portion; documents to be filed with state librarian; review; approval or disapproval; amendment of boundaries; effect of excluded territory; single municipality.**

Sec. 3.

(1) Except as otherwise provided under subsection (12), 2 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 an 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 city, village, or township 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) Participating municipalities that propose to establish a district library shall file with the state librarian both 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 11 inches or larger than 14 by 18 inches and clearly shows the territory proposed to be included in the district library district. The map shall unambiguously show 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.

(5) The state librarian shall review the agreement described in section 4 and the map described in subsection (4)

(b) and approve or disapprove of the proposed district library district in accordance with section 5. The participating municipalities shall cooperate with the state librarian to correct any errors or changes in the agreement or map that the state librarian considers necessary to comply with this act.

(6) Upon receiving notice of the state librarian's approval of an agreement described in section 4, or upon expiration of the 10-day period described in subsection (10), 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.

(b) The map or drawing of the district library's territory described in subsection (4)(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.

(7) Once an agreement is approved by the state librarian, the agreement and 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) Provide for the disincorporation, annexation, consolidation, or merger of a participating municipality in accordance with sections 3c and 3d.

(d) Provide for the merging of 2 or more district libraries.

(e) Eliminate certain territory in accordance with subsection (9).

(8) For any amendment described in subsection (7), 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.
- (9) 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 (4)(b).
- (10) If a district library complies with subsection (9) and the state librarian does not disapprove the amended boundaries within 10 business days after receiving the map or drawing described in subsection (9)(c), the boundaries are amended.
- (11) The territory that has been excluded from any district library district under subsection (9) 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.
- (12) Except for a school district and with the approval of the state librarian, a single municipality may establish a district library under this section if each of the following requirements is satisfied:
  - (a) The municipality has made an assertive effort over a period of time of not less than 3 consecutive years to form a district library with 1 or more other municipalities.
  - (b) The municipality has submitted to and received the state librarian's approval of a plan of service.
  - (c) The municipality has a population of 4,500 or more.
  - (d) The municipality is otherwise qualified and meets the requirements of a district library under this act.
  - (e) Any other requirements considered necessary by the state librarian to ensure that a district library created under this section complies with the intent of this act.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 1997, Act 160, Imd. Eff. Dec. 29, 1997 ;-- Am. 2001, Act 64, Eff. Oct. 1, 2001 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005 ;-- Am. 2014, Act 570, Imd. Eff. Jan. 15, 2015

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**397.173a Referendum on question of becoming district library or joining existing district library; filing, approval, and review of petition; approval by electors; establishment of new-district library; appointment of interim board; vote by district library board to accept or reject new proposed participating municipality.**

Sec. 3a.

(1) Upon petition by not less than 5% of the registered electors residing in the affected municipality, municipalities, or the portion of a municipality, requesting a referendum on the question of becoming a district library or joining an existing district library, the clerk of each affected municipality, upon verifying the required number of signatures on the petitions, shall file a copy of the petition with the department and submit the question of whether the municipality should become a participating municipality to the vote of the electors of the municipality at the next general election or special election called for that purpose and conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) If the question of the petition under subsection (1) relates to the joining of an existing district library, before circulating the petition for signatures, the supporters of the petition may submit the proposal and the petition

language to the existing district library board for review and approval. The district library board shall vote by resolution to accept or reject the proposed new participating municipality within 30 days of receiving a copy of the proposed petition. If the proposal is approved by the district library board and the referendum is passed by the electors, the district library shall amend its agreement to incorporate the new participating municipality.

(3) The referendum submitted to the electors under this section shall include a request for a millage to fund the new district or the municipality's obligation to the existing district. For district libraries with appointed boards, the referendum shall include language regarding the appointment of new members to represent any new participating municipality.

(4) If approved by a majority of the electors in the affected municipality voting on the question, the municipality shall proceed to become a participating municipality in the manner provided under this act.

(5) A new district library established under this section shall consist of 2 or more municipalities and be governed by an elected board as provided under section 11. The board required under this subsection shall be elected not later than 1 year from the date the electors approve the new district.

(6) If a new district library is created under this section, each participating municipality shall appoint members to an interim governing board in a number proportional to its population in relationship to the entire district. The interim board shall prepare and submit the agreement and map required by this act to the department no later than 180 days from the date the electors approve the new district. If the agreement and map are not submitted as required by this subsection, the agreement and map shall be prepared by the state librarian.

(7) If the district library board has not approved the new participating municipality under subsection (2) and the petition is submitted to the electors for approval and passes, the board of the district library shall vote within 30 days following certification of the election results whether to accept or reject the new proposed participating municipality. If the new participating municipality is accepted, the district library shall amend its agreement to incorporate the new participating municipality.

**History:** Add. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.173b Merging of district libraries; requirements; districtwide library tax.**

#### **Sec. 3b.**

(1) Two or more district libraries may merge if all of the following requirements are satisfied:

(a) The governing boards of the district libraries by majority vote approve that the district libraries merge and that all territory located within their jurisdictional service areas are included in the merger.

(b) The approving resolution is conditioned upon majority vote of approval by the governing boards of all participating municipalities, within a period of time specified in the resolution.

(c) By a majority vote of the members of the district library boards, amend the agreement to reflect the merger of the libraries and the territory served by the merger.

(d) The amendments to the agreement shall include, but are not limited to, changes in board representation, the percentage of funds necessary from each participating municipality for the establishment and operation of the merged district libraries, a revised legal description of the district, and a map that clearly shows the revised service area of the new district library.

(e) That all amendments and resolutions are submitted to the state librarian.

(2) If there is a districtwide library tax being levied by a participating library at the time of the merger, the tax will remain in effect and can be considered as a portion or all of that library's contribution in the merger. A districtwide tax will be extinguished upon the approval of a merged district library districtwide tax by the majority of the electorate residing in the merged district libraries' jurisdictional limits.

**History:** Add. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.173c Disincorporation, annexation, consolidation, or merger of municipalities.**

Sec. 3c.

If 2 or more participating municipalities establish a district library under this act and 1 or more of those participating municipalities is subsequently disincorporated, annexed, consolidated, or merged, or if all participating municipalities are consolidated or merged into 1 municipality, the disincorporation, annexation, consolidation, or merger does not affect the validity of the district library, and all of the following apply:

(a) The district library shall continue to be recognized for all purposes as a lawfully established district library that may continue to exercise all powers, duties, functions, and responsibilities, including the levy of taxes authorized by the electors of the district, as provided in the agreement, this act, and any other applicable law.

(b) If 2 or more participating municipalities remain in the district library, those municipalities shall amend the agreement to reflect the disincorporation, annexation, consolidation, or merger. If only 1 participating municipality remains in the district library after the disincorporation, annexation, consolidation, or merger, or if all participating municipalities are merged or consolidated into 1 municipality, that municipality shall assume the powers, duties, functions, and responsibilities of the former participating municipality or municipalities without amendment of the agreement.

(c) The terms of the district library board members shall continue as provided in the agreement and this act, except that if the district library board members are appointed, the legislative body of a single remaining participating municipality or a consolidated or merged municipality shall appoint district library board members as the terms of district library board members expire.

**History:** Add. 2014, Act 570, Imd. Eff. Jan. 15, 2015

**Popular Name:** District Libraries Act

### **397.173d Transfer of portion of district library to other district library; condition; effect of districtwide library tax; "transfer area" defined.**

Sec. 3d.

(1) Two district libraries may amend a contiguous boundary by transferring a portion of 1 district library to the other district library if all of the following requirements are satisfied:

(a) The transfer area is bounded by county, township, city, village, or school district boundaries.

(b) The governing board of each district library adopts a resolution approving the transfer by majority vote of the members appointed and serving.

(c) By resolution within the time period specified in a resolution described in subdivision (b), the governing board of each participating municipality for both district libraries approves the transfer by majority vote of the members appointed and serving.

(d) Both agreements are amended to reflect the transfer. The amendments to the agreements shall include, but are not limited to, all of the following:

(i) Changes in board representation.

(ii) The money necessary from each participating municipality for the establishment and operation of the district libraries.

(iii) A revised legal description of the district.

(iv) A map that clearly shows the revised service area of each new district library.

(e) Each district library shall submit the resolutions described in subdivisions (b) and (c) and the amendments to the agreement described in subdivision (d) to the state librarian.

(2) If a districtwide library tax is being levied in the district library district receiving the transfer area, the board of that district library shall condition acceptance of the transfer area on the approval of the tax by a majority of the electors residing in the transfer area. Failure of a majority of the electors residing in the transfer area to approve the tax does not affect the validity of the continued levy of any previously authorized millage by the district library transferring the transfer area. A tax levied by the district library transferring the transfer area will be extinguished in the transfer area upon approval by a majority of the electors residing in the transfer area.

(3) If a districtwide library tax is not being levied by the district library receiving the transfer area at the time of the transfer, but a districtwide library tax is being levied by the district library transferring the transfer area, the

districtwide tax of the district library transferring the transfer area is extinguished in the transfer area only upon approval of the transfer by the state librarian.

(4) As used in this section, "transfer area" means the portion of the district library district to be transferred.

**History:** Add. 2014, Act 570, Imd. Eff. Jan. 15, 2015

**Popular Name:** District Libraries Act

### **397.174 District library agreement; provisions.**

#### **Sec. 4.**

(1) The agreement shall provide for all of the following:

(a) The name of the district. For a district that is created on or after the effective date of the amendatory act that added section 3a, the name shall include the word "district".

(b) The identity of the municipalities establishing the district library.

(c) The creation of a board to govern the operation of the district and the method of selection of board members, whether by election or appointment. If board members are selected by appointment, the agreement shall provide for the term of office, the total number of board members, and the number of board members to be appointed by the legislative body of each participating municipality. If board members are selected by election, the agreement shall provide for the number of provisional board members to be appointed by the legislative body of each participating municipality.

(d) Of the amount of money to be stated in the annual budget under section 13, the percentage to be supplied by each participating municipality.

(e) The procedure for amending the agreement, which shall require the consent of the legislative bodies of not less than 2/3 of the participating municipalities.

(f) A period of time after the effective date of the agreement, not less than 1 year, during which the adoption of a resolution to withdraw from the district library under section 24 shall be void.

(g) Any distribution of district library assets to take place upon the withdrawal of a participating municipality.

(h) Any other necessary provisions regarding the district library.

(2) A district library agreement may provide that the district library board is abolished and the district library terminates unless, on or before a date stated in the agreement, the district electors approve a district library millage at a rate not less than a minimum number of mills stated in the agreement. If the district library agreement contains such a provision, the district library agreement shall specify the manner in which the net assets of the district library shall be distributed to the participating municipalities upon termination and shall contain a plan for continuing public library service to all residents of the district after termination.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

### **397.175 Submission of agreement and amendment to state librarian; approval or disapproval of agreement, amendment, or revision; statement.**

#### **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.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2001, Act 64, Eff. Oct. 1, 2001

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.176 Organizational plan; revision of board structure and selection.**

#### **Sec. 6.**

Within 1 year after May 22, 1989, the board of a district library established pursuant to former 1955 PA 164 shall submit to the state librarian an organizational plan including the information required to be set forth in an agreement under section 4(1) and shall revise the board structure and selection to conform to section 9 or to sections 10 and 11. If the board of a district library established pursuant to former 1955 PA 164 complies with this section and the state librarian does not disapprove the revision of board structure and selection, the district library shall be considered to be established pursuant to this act.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 540, Imd. Eff. July 26, 2002

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.177 District library as authority.**

#### **Sec. 7.**

A district library established pursuant to this act constitutes an authority under section 6 of article IX of the state constitution of 1963.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.178 Candidate for appointment or election as board member; qualifications; vacancy in office of board member.**

#### **Sec. 8.**

(1) An individual appointed as a board member shall be a qualified elector of the participating municipality that appoints the member on the date the appointment is made. A candidate for election as a board member shall be a qualified elector of a participating municipality on the deadline for filing nominating petitions. A candidate for appointment or election shall be a resident of the district.

(2) The office of board member becomes vacant when the incumbent dies, resigns, is convicted of a felony, is removed from office by the governor pursuant to section 10 of article V of the state constitution of 1963, or ceases

to be a resident of the district. In addition, the office of an appointed board member becomes vacant when the incumbent ceases to be a resident of the participating municipality that appointed the incumbent.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.179 Appointed board members; number; right to appoint; term; vacancy.**

Sec. 9.

If an agreement prescribes appointed board members, the board shall consist of not fewer than 5 and not more than 8 members. The agreement may provide that the right to appoint 1 or more board members rotates between 2 or more municipalities. A term shall not be more than 4 years. A member shall serve until the appointment and qualification of a successor. A vacancy shall be filled for the unexpired term by the participating municipality that appointed the member whose position is vacant.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.180 Repealed. 2002, Act 159, Eff. Jan. 1, 2003.**

**Compiler's Notes:** The repealed section pertained to election of board members.

**Popular Name:** District Libraries Act

### **397.180a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 10a.

A petition under section 10 or 11, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 176, Eff. Mar. 23, 1999

**Popular Name:** District Libraries Act

### **397.181 Election of board members of district library; provisions applicable where school district is participating municipality; amendment of agreement.**

Sec. 11.

(1) Except as otherwise provided under subsections (2) and (3), all of the following apply to an election of board members of a district library:

(a) If an agreement prescribes elected board members, the board shall consist of 7 members elected at large from the district.

(b) If an agreement prescribes elected board members, a provisional board of 7 members shall be appointed. The



members of the provisional board shall hold office until their successors are elected and qualified.

(c) The first election of board members shall take place at the first general election held 140 days or more after the appointment of the first member of the provisional board. The 4 persons receiving the most votes at the first election for board members shall have 4-year terms, and the 3 remaining persons elected to the board shall have 2-year terms. After the first election, board members shall be elected at general elections for 4-year terms that begin on January 1 following the election.

(d) Board members shall be elected on nonpartisan ballots.

(e) Subject to subdivision (f), a nomination for the office of board member shall be by nonpartisan petitions signed by registered electors of the district. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(f) In lieu of the nominating petition prescribed in this subsection, an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) A nominating petition or filing fee shall be filed with the clerk of the largest county not later than 4 p.m. of the day 110 days before the date of the election. The county clerk with whom nominating petitions or filing fees are filed shall certify the names of the candidates to the clerk of every other county in which all or part of a participating municipality is located.

(h) A vacancy in the office of a board member shall be filled until the expiration of the vacating board member's term by appointment by majority vote of the remaining board members. If the vacancy occurs 140 or more days before the first regularly scheduled election of board members that follows the beginning of the term of the board member vacating office and that term is 4 years, all of the following apply:

(i) The vacancy shall be filled by appointment by majority vote of the remaining board members only until the next date on which the term of any board member expires.

(ii) A board member shall be elected at the regularly scheduled election of board members next following the occurrence of the vacancy to fill the vacancy for the remainder of the term of the board member vacating office.

(2) If a school district is a participating municipality, the following apply to an election of board members for a district library:

(a) The first election of board members shall take place at the same time as the first regularly scheduled election of school board members in the largest participating school district occurring on or after the thirteenth Monday following the appointment of the first member of the provisional board. The term of office of an elected member of the board shall begin at the same time as the term of a school board member elected at the same election in the largest participating school district.

(b) Subject to subdivision (c), a nomination for the office of board member shall be by a petition meeting to the extent applicable the same requirements, including filing requirements, as a nominating petition for the office of school board member in the largest participating school district. The petition shall be filed not later than 4 p.m. of the twelfth Tuesday preceding the election. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(c) In lieu of the nominating petition prescribed under subdivision (b), an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot. A nominating petition or filing fee shall be filed with the school district election coordinator for the largest participating school district. The school district election coordinator shall certify the names of the candidates and the date of the election to the school district election coordinator of every other participating school district and to the election officials authorized by this act to conduct the election in each participating municipality all or a portion of which is located within a nonparticipating school district.

(3) The agreement may be amended to coordinate the terms and election of board members with the terms and election of other school or municipal officials.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 159, Eff. Jan. 1, 2003 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

### **397.182 Powers of board; compensation and expenses of board members; deposit and expenditure of money in district library fund.**

Sec. 12.

(1) A board may do 1 or more of the following:

- (a) Establish, maintain, and operate a public library for the district.
  - (b) Appoint and remove officers from among its members.
  - (c) Appoint and remove a librarian and necessary assistants and fix their compensation.
  - (d) Purchase, sell, convey, lease, or otherwise acquire or dispose of real or personal property, including, but not limited to, land contracts and installment purchase contracts.
  - (e) Erect buildings.
  - (f) Supervise and control district library property.
  - (g) Enter into a contract to receive library-related service from or give library-related service to a library or a municipality within or without the district.
  - (h) Adopt bylaws and regulations, not inconsistent with this act, governing the board and the district library.
  - (i) Propose and levy upon approval of the electors as provided in this act a tax for support of the district library.
  - (j) Borrow money pursuant to the district library financing act, 1988 PA 265, MCL 397.281 to 397.290.
  - (k) Issue bonds pursuant to the district library financing act, 1988 PA 265, MCL 397.281 to 397.290.
  - (l) Accept gifts and grants for the district library.
  - (m) Do any other thing necessary for conducting the district library service, the cost of which shall be charged against the district library fund.
- (2) A board may reimburse a board member for necessary expenses that the member incurs in the performance of official duties. A board may compensate board members for attending official meetings of the board or committees of the board and shall include the amount of compensation in the annual budget. Compensation shall not exceed \$30.00 per board member per meeting. A board member shall not be compensated for attending more than 52 meetings per year.
- (3) Money for the district library shall be paid to the board and deposited in a fund known as the district library fund. The board shall exclusively control the expenditure of money deposited in the district library fund.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 540, Imd. Eff. July 26, 2002 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005  
**Popular Name:** District Libraries Act

**397.183 Determination of money necessary for establishment and operation of district library districtwide tax; payment by participating municipality; approval of tax; library tax.**

**Sec. 13.**

- (1) Subject to any limitation in the district library agreement on the amount of the district library annual budget or the amount or percentage of an increase in the district library annual budget, or both, that applies in the absence of a districtwide tax approved by the electors, the board shall annually determine the amount of money necessary for the establishment and operation of the district library and shall state that amount in an annual budget of the district library.
- (2) All or part of the money necessary for the establishment and operation of a district library may be supplied by a tax levied by the district library on the taxable property in the district. A district library shall not levy a tax authorized by this subsection unless the tax is approved as provided in section 15. However, a districtwide tax in effect or authorized to be levied by a district library established pursuant to former Act No. 164 of the Public Acts of 1955 may be levied by the district library at the rate and for the period of time originally authorized without being approved as provided in section 15.
- (3) A districtwide tax or taxes authorized by subsection (2) shall not exceed 4 mills.
- (4) That portion of the total districtwide tax or taxes that exceeds 2 mills shall be authorized to be levied for a period of not more than 20 years. However, if 1 or more of the participating municipalities had a legally established public library with an authorized tax levy of more than 2 mills on December 31, 1993, that portion of the total districtwide tax or taxes that exceeds the greatest number of mills authorized to be levied by any such participating municipality for its public library on December 31, 1993 shall be authorized to be levied for a period of not more than 20 years.
- (5) Of the amount of money stated in the annual budget pursuant to subsection (1) that is not supplied by a districtwide tax, the legislative body of each participating municipality shall annually pay to the board the percentage set forth in the agreement pursuant to section 4. A participating municipality may make the payment by appropriating money from its general fund or by levying a tax for district library purposes on the taxable property in the municipality, or both.
- (6) A participating municipality shall not levy a tax authorized by subsection (5) unless the tax is approved by a majority of the electors who reside in the participating municipality and vote on the proposal. Not less than 60 days

before the date of the election, the legislative body of a participating municipality shall certify a proposed tax to the clerk of the municipality or, if the participating municipality is a school district, to the secretary of the school board for inclusion on the ballot.

(7) A library tax in effect or authorized to be levied by a participating municipality before the municipality became a party to an agreement may be levied at the rate and for the period of time originally authorized and used as a source of all or part of the percentage of money set forth in the agreement pursuant to section 4, unless prohibited by the millage authorization.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 1994, Act 114, Imd. Eff. May 11, 1994

**Popular Name:** District Libraries Act

### **397.184 Provisions governing elections.**

#### **Sec. 14.**

(1) An election for or recall of board members and an election for a districtwide tax shall be conducted under the provisions of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, and applicable provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, except to the extent that those provisions are inconsistent with the provisions of this act.

(2) If none of the participating municipalities are school districts, an election for a districtwide tax is governed by sections 15 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for a districtwide tax is governed by section 15 and sections 19 to 23.

(3) If none of the participating municipalities are school districts, an election for district library board members is governed by sections 16 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for district library board members is governed by sections 19 to 23.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 540, Imd. Eff. July 26, 2002

**Popular Name:** District Libraries Act

### **397.185 Ballot proposal for districtwide tax; amount of millage; proposed duration; adoption by resolution; certification; authorization of tax levy; limitation on elections.**

#### **Sec. 15.**

(1) A ballot proposal for a districtwide tax shall state the amount of the millage. If section 13(4) limits the maximum duration of a portion of the millage in a ballot proposal for a districtwide tax, the ballot proposal shall state the proposed duration of that portion of the millage.

(2) If none of the participating municipalities are a school district, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the county clerk of each county in which all or part of the district is located for inclusion on the ballot. The proposal shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution.

(3) If 1 or more of the participating municipalities are school districts, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the school district election coordinator of the largest participating school district. The board shall certify the proposal for inclusion on the ballot at the next regularly scheduled election of school board members in the largest participating school district or at a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution. The school district election coordinator to whom the ballot proposal was certified shall promptly certify the proposal and date of election to the school district election coordinator of every other participating school district and to the election officials authorized by this act to conduct the election in the participating municipalities or the portions of participating municipalities located within a nonparticipating school district.

(4) If a majority of the votes cast on the question of a districtwide tax is in favor of the proposal, the tax levy is

authorized. No more than 2 elections shall be held in a calendar year on a proposal for a districtwide tax.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 1994, Act 114, Imd. Eff. May 11, 1994 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

### **397.186 Providing ballots.**

Sec. 16.

If none of the participating municipalities are a school district, the county election commission of each participating county and each county in which all or part of a participating municipality is located shall provide ballots for an election for board members or a districtwide tax for each participating municipality or part of a participating municipality located within the county.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.187 Conduct of election; list of electors.**

Sec. 17.

(1) Except as otherwise provided in subsection (3), if none of the participating municipalities are school districts, an election for board members or a districtwide tax shall be conducted by the city and township clerks and election officials of the municipalities located within the district.

(2) If an election on a proposal for a districtwide tax is to be held in conjunction with a general election or state primary election or board members are to be elected and if a participating village is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village or the portion of the village that is included in the district. By the fifteenth day preceding the election, the village clerk shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the district election by special ballot.

(3) If a districtwide tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a participating village is located within a nonparticipating township, the village clerk and election officials shall conduct the election.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.188 Publication of notices of close of registration and election; canvass and certification of results of election.**

Sec. 18.

(1) If an election for board members or a districtwide tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election and none of the participating municipalities are school districts, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, if none of the participating municipalities are school districts, the county clerk of the largest county shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(2) If none of the participating municipalities are school districts, the results of an election for board members or a districtwide tax shall be canvassed by the board of county canvassers of each county in which a participating municipality is located. The board of county canvassers of a county in which a participating municipality is located and which is not the largest county shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for board members or a districtwide tax based on the returns of the election inspectors of the participating municipalities in that county and the certified results of the board of county canvassers of every other county in which a participating municipality is located. The board of county canvassers of the largest county shall certify the results of the election to the district library board and issue certificates of election.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989

**Popular Name:** District Libraries Act

### **397.189 Printing and providing ballots.**

Sec. 19.

If 1 or more participating municipalities are school districts, the school district election coordinator of each participating school district shall provide for the printing of ballots for that school district. The school district election coordinator of the largest participating school district shall provide ballots for an election for board members or a districtwide tax for a participating municipality or part of a participating municipality located within a nonparticipating school district.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

### **397.190 Conduct of election for board members or districtwide tax.**

Sec. 20.

If 1 or more participating municipalities are school districts, the election for board members or a districtwide tax shall be conducted as follows:

(a) The school district election coordinator otherwise authorized by law to conduct elections in a participating school district shall conduct the election in that school district.

(b) If all or a portion of the participating municipality is located within a nonparticipating school district that is holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the nonparticipating school district shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district. The qualified and registered electors of the participating municipality that reside within the nonparticipating school district shall vote in the election for board members or a districtwide tax by special ballot at their regular polling places in the election in the nonparticipating school district. Those qualified and registered electors shall be identified from the registration records of the nonparticipating school district or from a list of the names, addresses, and birth dates of qualified and registered electors of the participating municipality who reside in the nonparticipating school district and are eligible to vote in elections for board members or a districtwide tax. The list shall be supplied and updated by the clerk of the participating municipality at the request of the school district election coordinator or other official authorized by law to conduct the election.

(c) If all or a portion of a participating municipality is located within a nonparticipating school district that is not holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the participating municipality shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005  
**Popular Name:** District Libraries Act

**397.191 Publication of notices for election of board members or districtwide tax; publication of notices of close of registration and election; ballot language of proposal.**

Sec. 21.

(1) If an election for district board members or a districtwide tax is conducted by a participating school district under section 20(a), the school district election coordinator required by law to publish notices of the close of registration and election for a school district election in that school district shall publish the notices for the election for board members or a districtwide tax in that school district.

(2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district, under section 20(b), the school district election coordinator required by law to publish the notices of close of registration and election for a school district election in that school district shall publish the notices for the election for board members or a districtwide tax for the participating municipality or portion of a participating municipality located within that school district. The notices of close of registration and election shall designate the participating municipality for all or a portion of which the election is being conducted under section 20(b).

(3) If an election for board members or a districtwide tax is conducted by a participating municipality under section 20(c), the clerk of the participating municipality shall publish notices of close of registration and election for the participating municipality or that portion of the participating municipality located in the nonparticipating school district.

(4) A notice of close of registration published under this section shall contain the ballot language of the proposal.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005  
**Popular Name:** District Libraries Act

**397.192 Canvass and certification of results of election.**

Sec. 22.

(1) If an election for district board members or a districtwide tax is conducted by a participating school district pursuant to section 20(a), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in that school district and, if the school district is not the largest participating school district, certify the results of the election to the board of canvassers of the largest participating school district.

(2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district pursuant to section 20(b), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in the participating municipality or portion of the participating municipality located within the nonparticipating school district and certify the results to the board of canvassers of the largest participating school district.

(3) If an election for board members or a districtwide tax is conducted by a participating municipality pursuant to section 20(c), the board of canvassers required by law to canvass the results of a municipal election in that municipality shall canvass the results of an election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district and certify the results of the election to the board of canvassers of the largest participating school district.

(4) The board of canvassers required by law to canvass the results of elections held in the largest participating school district shall make the final canvass of the election for board members or a districtwide tax based on the returns received from the election inspectors of that district and certified results received from other boards of canvassers that canvassed part of the election. The board of canvassers required by law to canvass the results of a school district election in the largest participating school district shall certify the total results of the election to the board and issue certificates of election.



**History:** 1989, Act 24, Imd. Eff. May 22, 1989  
**Popular Name:** District Libraries Act

### **397.193 Reimbursement for costs of election.**

Sec. 23.

(1) A county clerk shall charge the district library and the district library shall reimburse the county for the actual costs the county incurs in an election for board members or a districtwide tax.

(2) If a participating township, city, or village conducts an election for district library board members or a districtwide tax, the clerk of that municipality shall charge the district library and the district library shall reimburse the municipality for the actual costs the municipality incurs in conducting the election if 1 or more of the following apply:

(a) The election is not held in conjunction with a regularly scheduled election in that municipality.

(b) Only a portion of the territory of the municipality is included in the district.

(c) The election is conducted under section 20(c) in conjunction with a regularly scheduled election in the municipality and a portion of the municipality lies within the boundaries of a nonparticipating school district.

(3) If an election for district library board members or a districtwide tax is held in conjunction with the regular election of a participating school district, the school district election coordinator authorized by law to conduct the election shall charge the district library and the district library shall reimburse the school district for the additional costs that the school district incurs in conducting the election.

(4) In addition to costs reimbursed under subsection (1), (2), or (3), a municipality shall charge the district library and the district library shall reimburse the municipality for actual costs that the municipality incurs and that are exclusively attributable to an election for board members or a districtwide tax.

(5) The actual costs that a county, township, city, village, or school district incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005  
**Popular Name:** District Libraries Act

### **397.194 Withdrawal of municipality from district library; amendment of agreement; dissolution.**

Sec. 24.

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

(a) Not less than 2 months before the next regularly scheduled election of the municipality, the legislative body of the municipality adopts a resolution to withdraw from the district library on a date specified in the resolution. The date specified shall be not less than 6 months after the next regularly scheduled election of the municipality.

(b) Notice of an election on the resolution is published in a newspaper published or of general circulation in the municipality not less than 10 days before the next regularly scheduled election of the municipality following adoption of the resolution.

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

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

(e) Payment or the provision for payment to the district library or its creditors of all obligations of the

municipality seeking to withdraw is made.

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

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

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

(a) The legislative body of the municipality adopts a resolution to withdraw from the district library on a date specified in the resolution. The withdrawal date shall follow the date of the resolution by not less than 1 year.

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

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

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

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

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

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

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

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2005, Act 60, Imd. Eff. July 7, 2005

**Popular Name:** District Libraries Act

**Compiler's Notes:** For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **397.195 Municipality other than school district as party to existing agreement; requirements; acceptance conditioned on authorization of tax; change in number of mills based on district library agreement.**

Sec. 25.

(1) A municipality other than a school district may become a party to an existing agreement if the agreement's requirements concerning the addition of a participating municipality are satisfied, or, in the absence of requirements in the agreement, if each of the following requirements is satisfied:

(a) The legislative body of the municipality resolves by majority vote that the municipality become a participating municipality and that all or, pursuant to section 3(2), a portion of the territory of the municipality be added to the district.

(b) The resolution is conditioned upon the board's adopting, within a period of time specified in the resolution, amendments to the agreement specified in the resolution. The amendments specified shall reflect the addition of the municipality or of the territory to the district and shall include, but need not be limited to, changes in board representation or the percentage of funds necessary for the establishment and operation of the district library to be supplied by each participating municipality after the municipality becomes a party to the agreement.

(c) The board amends the agreement within the time and in the manner specified in the resolution of the legislative body of the municipality. Notwithstanding anything to the contrary in the procedure for amending the agreement set forth in the agreement pursuant to section 4, the amendment shall be made by majority vote of the members of the board elected or appointed and serving.

(2) If there is a districtwide library tax, the board shall condition acceptance of the municipality or portion of the territory of the municipality into the district on the authorization of that tax by a majority of the electors of the municipality or portion of the territory of the municipality voting on the proposal.

(3) Notwithstanding section 13 or a districtwide tax or taxes authorized by section 13, an existing district library agreement may change the number of mills authorized in the existing district library agreement if 1 or more

municipalities or parts of municipalities join the existing district library district through a preexisting written agreement with the district library board. The change of the number of mills to be levied in the district library district shall be contingent on the approval by a majority of the voters of the existing district library district voting on the question and on the approval of a majority of the voters of each municipality or part of a municipality seeking to join the existing library district voting on the question. Defeat of the proposal submitted to the electors of the existing district library district shall not have any effect on the validity of the continued levy by the existing district library and district library board of previously authorized millage.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 540, Imd. Eff. July 26, 2002 ;-- Am. 2003, Act 279, Imd. Eff. Jan. 8, 2004  
**Popular Name:** District Libraries Act

**397.195a Repealed. 2003, Act 279, Imd. Eff. Jan. 8, 2004.**

**Compiler's Notes:** The repealed section pertained to a consolidated district library agreement.  
**Popular Name:** District Libraries Act

**397.196 Repeal of MCL 397.271 to 397.276.**

Sec. 26.

Act No. 164 of the Public Acts of 1955, being sections 397.271 to 397.276 of the Michigan Compiled Laws, is repealed.

**History:** 1989, Act 24, Imd. Eff. May 22, 1989  
**Popular Name:** District Libraries Act