

Chapter 397

LIBRARIES

STATE BOARD OF LIBRARIES

Act 106 of 1937

397.1-397.8 Repealed. 1982, Act 540, Eff. Mar. 30, 1983.

LIBRARY OF MICHIGAN ACT

Act 540 of 1982

AN ACT to create the library of Michigan; to create a board of trustees for the library; to establish the qualifications of the state librarian; to provide the powers and duties of the board of trustees, the department of history, arts, and libraries, the state librarian, and certain state officials and agencies; and to repeal acts and parts of acts.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

The People of the State of Michigan enact:

397.11 Short title.

Sec. 1.

This act shall be known and may be cited as the "library of Michigan act".

History: 1982, Act 540, Eff. Mar. 30, 1983

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.

397.12 Definitions.

Sec. 2.

As used in this act:

- (a) "Board" means the board of trustees of the library created in section 4.
- (b) "Department" means the department of history, arts, and libraries.
- (c) "Library" means the library of Michigan.
- (d) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.13 Library of Michigan; creation.

Sec. 3.

The library of Michigan is created within the department.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.14 Library board of trustees; creation; duties; meetings; membership; terms; rules; election of chairperson and vice-chairperson; expenses; state librarian as secretary of board.

Sec. 4.

(1) A board of trustees of the library is created within the department. The board shall make recommendations to the department on the following matters:

- (a) The services the library shall provide.
- (b) The manner in which the services shall be provided.
- (c) Other matters of general policy concerning the library.
- (d) The budget for the library.
- (e) Proposed rules governing operations of the library.

(2) The board shall meet not less than 3 times per year, including a meeting to be held in January of each year.

The board shall meet also at the call of the chairperson of the board.

(3) The board shall consist of the following:

- (a) One member appointed by the speaker of the house of representatives.
- (b) One member appointed by the house of representatives minority leader.
- (c) One member appointed by the senate majority leader.
- (d) One member appointed by the senate minority leader.
- (e) The director of the department or his or her designee.

(f) A representative of the Michigan library association, appointed by the governor from a list of 3 persons nominated by the Michigan library association.

(g) Two members of the general public who represent users of the state library, appointed by the governor.

(h) One member who is a librarian from a college or university library, appointed by the governor.

(i) One member who is a librarian from a public or private K to 12 system, appointed by the governor.

(j) One member who is a librarian from a public library, appointed by the governor.

(k) One member who is a librarian from a special library, appointed by the governor.

(l) The chief justice of the supreme court or his or her designee.

(4) A member of the board appointed under subsection (3)(a) to (d) shall hold office for a term of 2 years to coincide with the term of office of state representative. Members appointed to the board by the governor under subsection (3) shall hold office for a term of 3 years except that of the members first appointed, 3 shall be appointed for 3 years, 2 for 2 years, and 2 for 1 year.

(5) The board shall prescribe rules for its own procedure. Annually, the board shall elect from its membership a chairperson and vice-chairperson. Members shall serve without compensation but shall be entitled to reasonable and necessary expenses incurred in the discharge of their duties.

(6) The state librarian shall serve as secretary of the board.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 1986, Act 98, Imd. Eff. May 14, 1986 ;-- Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.15 Appointment of state librarian.

Sec. 5.

The governor, in consultation with the board and with the advice and consent of the senate, shall appoint a state librarian who shall serve at the pleasure of the governor.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.16 State librarian; duties; coordination of library activities with department director; qualifications of state librarian and assistant state librarian.

Sec. 6.

(1) The state librarian shall have care and charge of the library and the administrative functions of the library. The director of the department and the state librarian shall coordinate the activities of the library with the department.

(2) The state librarian shall be a graduate with a master's degree in library science and shall have not less than 4 years' experience in library work in an administrative capacity. Each assistant state librarian shall be a graduate with a master's degree in library science.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.17 Employment of assistants and other employees; transfer to department; exception.

Sec. 7.

(1) The department, after consultation with the board, may permit the state librarian to employ other administrative and general assistants and employees as are necessary for the care and management of the library, including the law library branch of the library. Employment shall be offered first to those persons who are employed by the state library on March 30, 1983. No library employee shall convert for personal or partisan use, unrelated to library business, any supplies, services, facilities or staff provided by the state. Nor may a library employee be required to work during paid or unpaid time to affect the result of an election.

(2) Subject to subsection (3), employees of the library on the effective date of the amendatory act that added this subsection shall be transferred to the department in accordance with the department of civil service rules and shall be assumed into the classified service.

(3) The transfer of employees under subsection (2) shall not include 9 employees from the Michigan library and historical center operations and 3 employees from the library's computer website staff operations. Employees who are not transferred under this subsection shall remain employees of the legislative council.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.18 Property of library.

Sec. 8.

The library shall succeed to the furnishings, building space, records, files, books, documents, and all other property in the possession of the state library on the effective date of this act.

History: 1982, Act 540, Eff. Mar. 30, 1983

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.

397.19 Library as depository for public documents; exemptions.

Sec. 9.

(1) The library shall serve as a depository for each public document issued by a state official, department, board, commission, or agency. Not less than 75 copies of each document or 1 copy in the proper format as determined by the state librarian which is not issued solely for the use of a state official, department, board, commission, or agency shall be furnished to the library. Additional copies of those documents shall be supplied upon the request of the state librarian.

(2) A publication of a school, college, division, or department of a state supported college or university is exempt from the depository requirements of subsection (1), except that 2 copies of each publication shall be deposited in the library.

(3) A publication of a state supported college or university press, directive for internal administration, an intraoffice or interoffice memorandum, a state form, or other correspondence is exempt from the depository requirements of subsection (1).

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983

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.

397.20 Duties of library; maintenance and ownership of website by legislative council.

Sec. 10.

(1) The library shall maintain a complete collection of the public documents deposited under section 9 as a permanent reference file. The library is charged primarily with providing reference services to the legislative branch of state government and, in addition, shall provide those services to the executive and judicial branches of state government and the general public. The law library branch is charged primarily with providing reference services to the legislative, executive, and judicial branches of state government. Upon request of a member of the legislature, the library shall provide in a timely manner to that individual copies of any information, documents, or other data, including the Michigan compiled laws, that are generated or produced by the legislature or legislative council agencies and all other information, documents, or other data that are in the possession of the library.

(2) The library shall deposit copies of each public document deposited under section 9 in each designated depository library. The depository libraries shall be designated by the state librarian. The state librarian shall designate only those libraries which will keep the documents readily accessible for use and which will render assistance for the use of the documents without charge.

(3) The library also shall do all of the following:

(a) Send 1 copy of each public document deposited under section 9 to the library of congress.

(b) Prepare and issue quarterly, a complete list of public documents deposited under section 9 during the

immediately preceding quarter. The lists shall be cumulated and printed at the end of each calendar year. A copy shall be distributed by the library to state departments, legislators, and to public and college libraries within the state.

(c) Establish a document exchange system with agencies in other states to make available selected documents published by other states for use by the people of this state.

(d) Exchange the judicial decisions, statutes, journals, legislative and executive documents of this state, and other books placed in the care of the library for the purpose of exchange with the libraries of other states, the government of the United States, foreign countries, and societies and institutions.

(e) Sell or exchange duplicate volumes or sets of works not needed for use in the library and apply the proceeds to the purchase of other books for the library.

(f) Further, by all appropriate means, the development of effective, statewide school library services.

(g) Encourage contractual and cooperative arrangements between and among all kinds of libraries for the improvement of library services to the people of this state.

(h) Coordinate the library's library services with the library services of all kinds of libraries.

(i) Collect, preserve, and publish appropriate statistics on all kinds of libraries in the state.

(j) Conduct research and publish the results for the benefit of all kinds of libraries and the library services to the people of the state.

(k) Provide all services which the state library was authorized to provide immediately preceding March 30, 1983.

(l) Under the authority granted by law, promote and advance library science in this state.

(m) Seek grants to extend or enhance library services.

(4) The legislative council shall maintain a website containing information, documents, and other data generated by the legislature or legislative council agencies. On the effective date of the amendatory act that added this subsection, the library shall do both of the following:

(a) Transfer ownership of all computer hardware and software directly or indirectly associated with the Michiganlegislature.org website to the legislative council.

(b) Transfer ownership of the internet domain name "Michiganlegislature.org" to the legislative council.

(5) Upon request of the legislative council, the library shall provide to the legislative council copies of any information, documents, or other data, including the Michigan compiled laws database, generated or produced by the legislature or legislative council agencies that will assist the legislative council in carrying out its responsibilities under subsection (4).

(6) On October 1, 2001, money appropriated for the fiscal year ending September 30, 2002, necessary for the operation of the Michiganlegislature.org website and to fund the positions that are retained by the legislative council in section 7(3) shall be transferred to the legislative council.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 114, Imd. Eff. July 12, 1983 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

Compiler's Notes: In the second sentence of subsection (3)(b), the word "calender" should evidently read "calendar". 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.

397.20a Rules.

Sec. 10a.

The department, in consultation with the board, may promulgate rules related to the operations of the library.

History: Add. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.21 Annual report of state librarian.

Sec. 11.

The state librarian shall report annually to the governor and to the legislature on the operations of the library and

on the progress made in automating the operations of the library.

History: 1982, Act 540, Eff. Mar. 30, 1983 ;-- Am. 2001, Act 62, Eff. Oct. 1, 2001

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.

397.22 Repeal of MCL 397.51 to 397.59, 397.1 to 397.8, and 16.409.

Sec. 12.

The following acts or parts of acts are repealed:

- (a) Act No. 28 of the Public Acts of 1895, being sections 397.51 to 397.59 of the Compiled Laws of 1970.
- (b) Act No. 106 of the Public Acts of 1937, being sections 397.1 to 397.8 of the Compiled Laws of 1970.
- (c) Section 309 of Act No. 380 of the Public Acts of 1965, being section 16.409 of the Compiled Laws of 1970.

History: 1982, Act 540, Eff. Mar. 30, 1983

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.

397.22[1] Transfer and control of appropriation.

Sec. 12.

Except for the money transferred in section 7 subsection (6), the appropriation for the fiscal year ending September 30, 2002 in Senate Bill No. 234 of the 91st Legislature to the library of Michigan is hereby transferred to the department of history, arts, and libraries for the fiscal year ending September 30, 2002, and shall be under the administrative control of the department of history, arts, and libraries subject to all the provisions of Senate Bill No. 234.

History: Add. 2001, Act 62, Eff. Oct. 1, 2001

Compiler's Notes: This added section is compiled as MCL 397.22[1] to distinguish it from another Sec. 12 deriving from Act 540 of 1982. In the opening phrase of this section, the reference to "section 7 subsection (6)" evidently should read "section 10, subsection (6)."

397.23 Repealed. 1986, Act 98, Imd. Eff. May 14, 1986.

Compiler's Notes: The repealed section read: "Effective October 1, 1986, this act is repealed."

397.24 Conditional effective date.

Sec. 14.

This act shall not take effect unless Senate Bill No. 201 of the 81st Legislature is enacted into law.

History: 1982, Act 540, Eff. Mar. 30, 1983

Compiler's Notes: Senate Bill No. 201, referred to in this section, was approved by the Governor on January 17, 1983, and became P.A.

DISTRIBUTION OF PENAL FINES TO PUBLIC LIBRARIES

Act 59 of 1964

AN ACT to provide for the distribution of penal fines and their application to the support of public libraries; to provide for the appointment of a county library board to receive penal fines; to define its powers and duties; and to repeal certain acts and parts of acts.

History: 1964, Act 59, Imd. Eff. May 12, 1964

The People of the State of Michigan enact:

397.31 Public libraries; definitions.

Sec. 1.

As used in this act: (a) "Public library" means a library, the whole interests of which belong to the general public, lawfully established for free public purposes by any 1 or more counties, cities, townships, villages, school districts or other local governments or any combination thereof, or by any general or local act, but shall not include a special library such as a professional or technical library or a school library.

(b) "Qualified public library" means any public library which is open to and available to the public at least 10 hours per week or any library which has a contract with a public library board to furnish library services to the public.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.32 Penal fines; apportionment to county library boards.

Sec. 2.

The proceeds of all fines for any breach of the penal laws of this state when collected in any county and paid into the county treasury, together with all moneys heretofore collected and paid into the county treasury on account of such fines and not already apportioned, shall be apportioned by the county treasurer in accordance with the directions of the state board for libraries, as provided in section 8, before August 1 of each year among those public libraries and county libraries established under Act No. 138 of the Public Acts of 1917, as amended, being sections 397.301 to 397.305 of the Compiled Laws of 1948, or Act No. 250 of the Public Acts of 1931, as amended, being sections 397.151 to 397.158 of the Compiled Laws of 1948, or county library boards in each county entitled to such fines under this act on a per capita basis determined by the population of the governmental unit supporting the library according to the latest decennial or special federal census.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.33 County library board; duties; membership, appointment, terms; contracts for service.

Sec. 3.

In any county where there is no public library, or in any county within the boundaries of which there are municipalities which have not established public library service or which do not maintain public libraries, the county board of supervisors shall appoint a county library board to receive the per capita portion of penal fine moneys to be allocated for such areas. The county library board shall consist of 5 members appointed by the county board of supervisors for terms of 5 years each, except that the first members shall be appointed for 1, 2, 3, 4 and 5 years respectively. The board may contract with a qualified public library, within or without the county, to provide public library service for all residents of the county without legal access to a public library.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.34 County library board; powers as to new library.

Sec. 4.

If, after the appointment of the county library board, the board of supervisors votes to establish a public library as authorized by Act No. 138 of the Public Acts of 1917, as amended, then the county library board appointed under section 3 shall become the governing body of the county library. In addition to the powers and duties granted in Act No. 138 of the Public Acts of 1917, as amended, the county library board shall have all of the powers and duties granted to county library boards by this act.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.35 County contracting for service; apportionment of funds; allocation to more than 1 public library.

Sec. 5.

(1) If any municipality within a county has not established a public library but is contracting for public library service with the governing body of a legally established public library, it is entitled to receive its per capita share of the penal fine moneys the same as if it had a legally established public library. The moneys shall be used for the provision of public library service for all residents of the municipality.

(2) If any municipality within a county is supporting more than 1 public library, the penal fines shall be allocated to each public library in ratio to the tax support provided by the municipality to the respective public libraries.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.36 Use of penal fine moneys; report.

Sec. 6.

The penal fine moneys when received by the proper authorities shall be applied exclusively to the support of public libraries and to no other purpose except as provided in section 7. A report shall be made annually to the state board for libraries as to the receipt and expenditures of the penal fine moneys, and other public moneys, by the governing boards of the public libraries or by the county library boards.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.37 Construction of act as to county law libraries.

Sec. 7.

This act shall not be construed as affecting the provisions of sections 4845 and 4851 of Act No. 236 of the Public Acts of 1961, being sections 600.4845 and 600.4851 of the Compiled Laws of 1948.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.38 Statement of eligible libraries.

Sec. 8.

The state board for libraries, prior to July 15 of each year, shall transmit to the clerk and treasurer of each county a statement of the public libraries or the library boards established under section 3 in his county that are entitled to receive penal fines and the population served by each.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.39 Rules and regulations.

Sec. 9.

The state board for libraries may adopt such rules and regulations to carry out the provisions of this act as may be deemed expedient, in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1964, Act 59, Imd. Eff. May 12, 1964

397.40 Repeal.

Sec. 10.

Sections 906, 910, 911, 912, 913 and 915 of Act No. 269 of the Public Acts of 1955, as amended, being sections 340.906, 340.910, 340.911, 340.912, 340.913 and 340.915 of the Compiled Laws of 1948, are repealed.

History: 1964, Act 59, Imd. Eff. May 12, 1964

STATE LIBRARY

Act 28 of 1895

397.51-397.65 Repealed. 1964, Act 256, Eff. Aug. 28, 1964;—1978, Act 520, Imd. Eff. Dec. 20, 1978;—1982, Act 540, Eff. Mar. 30, 1983.

PROCUREMENT OF UNITED STATES LAWS FOR STATE LIBRARY

Act 26 of 1847

397.71 Repealed. 1962, Act 13, Imd. Eff. Mar. 19, 1962.

DISTRIBUTION OF UNITED STATES STATUTES BY STATE LIBRARIAN

Act 25 of 1875

397.81 Repealed. 1962, Act 13, Imd. Eff. Mar. 19, 1962.

DEBATES OF CONSTITUTIONAL CONVENTION OF 1907

Act 242 of 1911

397.91,397.92 Repealed. 1962, Act 13, Imd. Eff. Mar. 19, 1962.

STATE AID FOR LIBRARIES

Act 315 of 1937

397.102-397.113 Repealed. 1949, Act 269, Eff. July 1, 1949;—1965, Act 286, Eff. Mar. 31, 1966.

FEDERAL FUNDS FOR LIBRARY CONSTRUCTION

Act 234 of 1964

AN ACT to make appropriations to supplement former appropriations for certain state agencies and special purposes for the fiscal year ending June 30, 1964; and to declare the intent of the act.

History: 1964, Act 234, Imd. Eff. May 27, 1964

The People of the State of Michigan enact:

397.126 Library construction; federal funds; report.

Sec. 6.

The state library is hereby authorized to accept, and use, federal funds for library construction under the provisions of Title II, P.L. 88-269, subject to the approval of the department of administration. A detailed report

shall be submitted to the legislature not later than January 31 of each year.

History: 1964, Act 234, Imd. Eff. May 27, 1964

LIBRARY NETWORK ACT OF 1971

Act 371 of 1972

AN ACT to establish a library network and to prescribe the duties and qualifications of libraries in networks.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

The People of the State of Michigan enact:

397.131 Short title.

Sec. 1.

This act shall be known and may be cited as the "library network act of 1971".

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

397.132 "Library network" defined; administrative leadership.

Sec. 2.

As used in this act "library network" means the connecting of the largest research libraries in the state for the express purpose of making their collections available to all citizens in the state through interlibrary loan. The state library shall assume administrative leadership in this network concept and shall designate participating libraries.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

397.133 Eligibility of library for membership in network; connection to state library; agreement.

Sec. 3.

A library shall maintain a collection of at least 1,000,000 volumes in order to be eligible for membership in the network. A library shall be connected to the state library by means of electronic equipment and shall agree to supply for interlibrary loan any volume in its collection, not in use, except rare volumes, reference works, books on reserve for course work, volumes of serials, fragile materials, and all other library materials which are not loaned under its regulations.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

397.134 Administration of interlibrary loan service.

Sec. 4.

The state library in Lansing shall administer the interlibrary loan service for the state.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

397.135 Application for inclusion in network.

Sec. 5.

A library meeting the requirements specified for inclusion in the network shall apply to the state board of education, indicating its compliance with the provisions of this act.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

397.136 Rules.

Sec. 6.

The state board of education may promulgate rules for administration of this act in accordance with and subject to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948.

History: 1972, Act 371, Imd. Eff. Jan. 9, 1973

REGIONAL LIBRARIES

Act 250 of 1931

AN ACT to provide for the establishment and maintenance of regional libraries; to provide for boards of trustees to have control of such libraries; to provide for the powers and duties of the state board for libraries in connection with such libraries; and to provide for the support of such libraries by counties.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

The People of the State of Michigan enact:

397.151 Regional libraries; plan for establishment and location.

Sec. 1.

The state board for libraries shall develop a plan for the establishment and location of regional libraries throughout the state based on a detailed survey of the needs of the various localities of the state. A region shall include 2 or more counties.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- CL 1948, 397.151 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.152 Proposal to establish regional libraries; referral to county board of supervisors.

Sec. 2.

On completion of the survey of any proposed region, the proposal to establish a regional library shall be referred to the boards of supervisors of all counties included in such proposed region. The boards of supervisors shall act upon such proposal by resolution, and the votes of a majority of the members-elect of the board of supervisors in each of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the boards of supervisors of any of the counties included in such proposed region, the plan may be altered in accordance with such action in order to provide for a regional library in such section of the state. The vote of a majority of the members-elect of the board of supervisors in each of the counties in such altered region shall be necessary for the adoption of such proposal.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- CL 1948, 397.152 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.153 Board of trustees; membership, appointment, term, vacancies, expenses.

Sec. 3.

Upon the adoption of the regional library proposal, each board of supervisors shall name members to a library board, the members to be chosen from the citizens at large of each county with reference to their fitness for office. Not more than 1 member of the board of supervisors of each county shall be at any one time a member of said library board. Each county shall be entitled to 2 members on the regional library board, the members to be appointed for a term of 4 years each, except that the first members shall be appointed, 1 for 2 years and 1 for 4 years, or until their successors have been appointed. In the case of only 2 counties joining in the regional library, the library board shall consist of not more than 4 members from each county, each for a term of 4 years, except that the first members shall be appointed, 2 for 2 years and 2 for 4 years, or until their successors have been appointed. Vacancies in the board of trustees shall be filled in like manner as the original appointments. Members of the board of trustees shall receive no compensation except their actual and necessary expenses.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- Am. 1947, Act 159, Eff. Oct. 11, 1947 ;-- CL 1948, 397.153 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.154 Repealed. 1961, Act 116, Eff. Sept. 8, 1961.

Compiler's Notes: The repealed section provided for regional librarian and set forth qualifications.

397.155 Board of trustees; powers.

Sec. 5.

The board of trustees of each regional library so established shall have the following powers:

- (a) To establish, maintain and operate a public library for the region.

- (b) To appoint a professionally qualified librarian, and the necessary assistants, and to fix their compensation. Said board shall also have the power to remove said librarian and other assistants.
- (c) To purchase books, periodicals, equipment and supplies.
- (d) To purchase sites and erect buildings, or to lease suitable quarters, and to have supervision and control of such property.
- (e) To borrow books from and lend books to other libraries.
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries.
- (g) To have exclusive control of the expenditure of all moneys collected to the credit of the library fund.
- (h) To make such bylaws, rules and regulations not inconsistent with this act as may be expedient for their own government and that of the library.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- CL 1948, 397.155 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.156 Appropriation for regional libraries; budget, disbursement.

Sec. 6.

Sums necessary for the establishment and operation of regional libraries shall be provided by the boards of supervisors of each of the counties included in such region by an appropriation from the general fund of the respective counties, or by a tax levy for this purpose authorized by a vote of the qualified electors in each of the counties. A budget shall be proposed annually by the board of trustees of the regional library to the boards of supervisors of the counties in the region. Upon approval of such budget by a majority of each of said boards of supervisors, the proposed budget shall be effective in all counties in the region. All appropriations shall be paid to the board of trustees and disbursed under its direction by the county treasurer of the county designated by the regional library board as depository for the regional library fund.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 20, Eff. Sept. 6, 1945 ;-- Am. 1947, Act 159, Eff. Oct. 11, 1947 ;-- CL 1948, 397.156 ;-- Am. 1956, Act 149, Eff. Aug. 11, 1956 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.157 Cities exempt from act; notification when included in proposal.

Sec. 7.

Cities of a population of 5,000 or more, maintaining a public library, may be exempted from the provisions of this act on the filing with the state board for libraries of a request by the city legislative body based on action taken by them according to law. Where any such city is included in any regional library proposal the state board for libraries shall notify each city so included in writing of the provisions of this section 15 days before the reference of any regional library proposal under the provisions of section 2.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 20, Eff. Sept. 6, 1945 ;-- CL 1948, 397.157 ;-- Am. 1961, Act 116, Eff. Sept. 8, 1961

397.158 Municipal libraries; transfer to regional libraries.

Sec. 8.

After the establishment of a regional library as provided for in this act, the township board, the legislative body of any city or village, the board of education of any school district or the board of supervisors of any municipality in the region, already maintaining a public, school or county library, may notify the board of trustees of the regional

library that such township, city, village, school district or county library may be transferred to, leased to, or used by said board of trustees of the regional library under such terms as may mutually be agreed upon between the said board of trustees and the respective township boards, city or village legislative bodies, boards of education or boards of supervisors.

History: 1931, Act 250, Eff. Sept. 18, 1931 ;-- CL 1948, 397.158

397.159 Repealed. 1961, Act 116, Eff. Sept. 8, 1961.

Compiler's Notes: The repealed section authorized state librarian to establish rules and regulations he deemed necessary.

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.

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

CITY, VILLAGE, AND TOWNSHIP LIBRARIES

Act 164 of 1877

AN ACT to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- Am. 1984, Act 128, Imd. Eff. June 1, 1984 ;-- Am. 1998, Act 177, Eff. Mar. 23, 1999

397.201 Public library and reading room; establishment and maintenance by city council; tax levy; library fund; tax additional to tax limitation.

Sec. 1.

(1) The city council of each incorporated city may establish and maintain a public library and reading room for the use and benefit of the inhabitants of the city. The city council may levy a tax of not to exceed 1 mill on the dollar annually on all the taxable property in the city. If approved by a majority of the voters voting on the proposal at the regular annual election, the city council may increase the tax levied by not to exceed 1 additional mill on the dollar annually on all the taxable property in the city. The tax shall be levied and collected in the same manner as other general taxes of the city, and shall be deposited in a fund to be known as the "library fund."

(2) The tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5175 ;-- CL 1897, 3449 ;-- CL 1915, 3431 ;-- CL 1929, 8059 ;-- CL 1948, 397.201 ;-- Am. 1986, Act 133, Imd. Eff. June 16, 1986

397.202 Governing board; number; qualifications; terms.

Sec. 2.

(1) If a city council decides to establish and maintain a public library and reading room under this act, the mayor of that city shall, with the approval of the city council, appoint a governing board of 5 members for the library and reading room, chosen from the citizens at large, with reference to their fitness for that office. Not more than 1 member of the city council may be a member of the board at any 1 time.

(2) If a city council decides, after the first appointment of the governing board under subsection (1), that the purposes of the library and reading room would be better served by a different number of members on the governing board, the city council may by ordinance change the number of members to an odd number not less than 5 or more than 9.

(3) The term of office for each member of the governing board may be changed by ordinance to a term of not less than 2 years or more than 5 years.

(4) Notwithstanding section 3, if the term of office is changed by ordinance by a city council, the term of office for subsequent appointments by the mayor shall be the same as prescribed by the ordinance.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5176 ;-- CL 1897, 3450 ;-- CL 1915, 3432 ;-- CL 1929, 8060 ;-- Am. 1931, Act 248, Eff. Sept. 18, 1931 ;-- CL 1948, 397.202 ;-- Am. 2000, Act 99, Imd. Eff. May 19, 2000 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.203 Boards of directors; appointment; terms; removal.

Sec. 3.

The offices of boards of directors appointed before July 1, 1932 under this act, consisting of 9 members, are vacant effective July 1, 1932, and a board of 5 members to succeed them or a board of 5 members for a library newly established under this act shall be first appointed as follows: 1 member shall be appointed for a term of 5 years, 1 member shall be appointed for a term of 4 years, 1 member shall be appointed for a term of 3 years, 1 member shall be appointed for a term of 2 years, 1 member shall be appointed for a term of 1 year, and annually thereafter the mayor shall appoint 1 member for a term of 5 years. The mayor may, by and with the consent of the city council, remove any member for misconduct or neglect of duty.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5177 ;-- CL 1897, 3451 ;-- CL 1915, 3433 ;-- CL 1929, 8061 ;-- Am. 1931, Act 248,

397.204 Governing board; vacancy; compensation.

Sec. 4.

A vacancy in the governing board of a library occasioned by removal, resignation, or otherwise, shall be reported to the city council and filled in the same manner as the original appointment, and no member shall receive compensation as such.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5178 ;-- CL 1897, 3452 ;-- CL 1915, 3434 ;-- CL 1929, 8062 ;-- CL 1948, 397.204 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.205 Governing board; president; officers; powers and duties; library fund; expenditures; establishment and maintenance of public library and reading room.

Sec. 5.

The governing board of a library shall, immediately after appointment, meet and organize, by the election of 1 member as president, and by the election of other officers as necessary. The governing board shall make and adopt bylaws, rules, and regulations for its own guidance and for the government of the library and reading room, consistent with this act. The governing board has exclusive control of the expenditure of all money collected to the credit of the library fund, the construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. All money received for the library shall be deposited in the treasury of the city to the credit of the library fund, shall be kept separate and apart from other money of the city, and drawn upon by the proper officers of the city upon the properly authenticated vouchers of the library board. The governing board may purchase or lease grounds and occupy, lease, or erect an appropriate building or buildings for the use of the library; has the power to appoint a suitable librarian and necessary assistants and fix their compensation; and remove appointees. The governing board shall carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5179 ;-- CL 1897, 3453 ;-- CL 1915, 3435 ;-- CL 1929, 8063 ;-- CL 1948, 397.205 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.206 City library; free use; regulations.

Sec. 6.

Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5180 ;-- CL 1897, 3454 ;-- CL 1915, 3436 ;-- CL 1929, 8064 ;-- CL 1948, 397.206

397.207 Governing board; annual report; contents; affidavit.

Sec. 7.

The governing board appointed under section 2 shall annually report to the city council on the money received from the library fund and from other sources, and how the money has been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of those books; as well as other statistics, information, and suggestions as it deems appropriate. All portions of the report that relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, or books purchased, shall be verified by affidavit.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5181 ;-- CL 1897, 3455 ;-- CL 1915, 3437 ;-- CL 1929, 8065 ;-- CL 1948, 397.207 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.208 City library; injury to property, ordinances, penalties.

Sec. 8.

The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, or for wilful injury to or failure to return any book belonging to such library.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5182 ;-- CL 1897, 3456 ;-- CL 1915, 3438 ;-- CL 1929, 8066 ;-- CL 1948, 397.208

397.209 Donation of money, personal property, or real estate; governing board as trustee.

Sec. 9.

Any person desiring to donate money, personal property, or real estate for the benefit of a library has the right to vest the title to money or real estate donated in a governing board created under this act, to be held and controlled by that board when accepted according to the terms of the deed, gift, devise, or bequest of the property. The governing board shall be considered a special trustee of money, personal property, or real estate donated under this section.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5183 ;-- CL 1897, 3457 ;-- CL 1915, 3439 ;-- CL 1929, 8067 ;-- CL 1948, 397.209 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.210 Free public library in village or township; petition to levy tax for establishment; notice of election; library fund; governing board; estimate of money necessary for support and maintenance of library; report; assessment and collection of tax; powers of corporate authorities; library as authority under state constitution.

Sec. 10.

(1) Fifty voters of an incorporated village or township may present to the clerk of the village or township a petition asking that a tax be levied for the establishment of a free public library in the village or township and specifying the rate of taxation, not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in that village or township, shall give notice that at the election every voter may vote on the proposition including the rate and any duration of taxation for the free public library.

(2) If the majority of all the votes cast in the village or township is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that village or township for the period, if any, specified in the petition, and shall be placed in a fund known as the library fund.

(3) If a free public library is established and a governing board elected and qualified, that board, on or before the first Monday of September in each year for a free public library established by a township, and on or before the second Monday in April in each year for a free public library established by an incorporated village, shall prepare an estimate of the amount of money necessary for the support and maintenance of the library for the ensuing year, not exceeding 2 mills on the dollar of the taxable property of the village or township. Unless any period specified in the petition for the levy of the tax has expired, the governing board shall report the estimate to the assessor of the village or the supervisor of the township for assessment and collection in the same manner as other village or township taxes and the tax shall be so assessed and collected. A corporate authority of a village or township may exercise the same powers conferred upon the corporate authority of a city under this act.

(4) A library established under this section constitutes an authority under section 6 of article IX of the state constitution of 1963.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5184 ;-- Am. 1885, Act 36, Eff. Sept. 19, 1885 ;-- CL 1897, 3458 ;-- Am. 1907, Act 42, Imd. Eff. Apr. 11, 1907 ;-- CL 1915, 3440 ;-- CL 1929, 8068 ;-- CL 1948, 397.210 ;-- Am. 1986, Act 133, Imd. Eff. June 16, 1986 ;-- Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.210a Free public library in city; establishment; petition for tax; notice; library fund; preparing and reporting estimate of money necessary for support and maintenance; tax additional to tax limitation.

Sec. 10a.

(1) Fifty voters of a city may present to the clerk of the city a petition asking that a tax be levied for the establishment of a free public library in that city and specifying a rate of taxation not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in that city, shall give notice that at the election every voter may vote upon the proposition. The notice shall specify the rate and any duration of taxation mentioned in the petition.

(2) If a majority of all the votes cast in the city upon the proposition is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that city for the period, if any, specified in the petition, and shall be placed in a fund to be known as the "library fund".

(3) If the free public library is established under this section, and a governing board is elected and qualified as provided in section 11, the board, on or before the first Monday in September in each year, shall prepare an estimate of the amount of money necessary for the support and maintenance of the free public library for the ensuing year, not to exceed 2 mills on the dollar of the taxable property of the city. Unless any period specified in the petition for the levy of the tax has expired, the governing board shall report the estimate to the legislative body of the city. The legislative body shall raise by tax upon the taxable property in the city the amount of the estimate in the same manner that other general taxes are raised in the city.

(4) A tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

History: Add. 1911, Act 178, Eff. Aug. 1, 1911 ;-- CL 1915, 3441 ;-- CL 1929, 8069 ;-- Am. 1931, Act 248, Eff. Sept. 18, 1931 ;-- CL 1948, 397.210a ;-- Am. 1980, Act 521, Eff. Mar. 31, 1981 ;-- Am. 1986, Act 133, Imd. Eff. June 16, 1986 ;-- Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.210b Free public library established in township or village incorporated as city; continuation of library board, library, and tax.

Sec. 10b.

If a township or village in which a free public library has been established pursuant to section 10 is incorporated in its entirety as a city, the library board of the free public library shall continue in office and the free public library shall continue in existence and be governed by the provisions of section 10a as if the free public library had originally been established as a free public library under section 10a. Any tax previously authorized pursuant to this act for the support of the free public library shall continue in effect after the incorporation and shall then be assessed and collected on the taxable property in the city as provided in section 10a.

History: Add. 1982, Act 286, Imd. Eff. Oct. 7, 1982

397.210c Increasing or renewing library millage; ballot; election; validation of millage renewal.

Sec. 10c.

(1) If a city, village, or township has voted on, approved, and established a library pursuant to this act and the governing board by resolution determines that the estimate of the amount of money necessary for the support and maintenance of the library exceeds the previously authorized millage or that, if the previously authorized millage was approved for a specific number of years, the millage should be renewed, the question of increasing the library millage to not more than 2 mills or of renewing the millage shall be placed on the ballot for approval at the next regular annual election for that city, village, or township or at a special election for that city, village, or township. The increase or renewal may be of unlimited duration or the question may specify the number of years for which the increase or renewal shall be levied. The costs of a special election shall be paid from the library fund.

(2) If a library millage was renewed in the manner provided by subsection (1) before April 11, 1994, that millage renewal is hereby validated.

History: Add. 1986, Act 133, Imd. Eff. June 16, 1986 ;-- Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.211 Vote of city, village, or township to establish free public library; governing board; establishment; provisional or permanent; membership; powers.

Sec. 11.

(1) Immediately after a city, a village, or a township has voted to establish a free public library, the city, village, or township shall establish a governing board as provided in subsections (3) and (4).

(2) If a city, village, or township has a free public library that has not elected a governing board, including a city library and governing board established under sections 1 to 10, the city, village, or township shall establish a governing board as provided in subsections (3) and (4).

(3) The legislative body of a city, village, or township described in subsection (1) or (2) shall appoint a provisional governing board of 6 members who shall hold office until the next city, village, or township election of a permanent governing board.

(4) A permanent governing board shall be established for a city, village, or township described in subsection (1) or (2) as follows:

(a) In a city or village that holds an annual election, 6 members shall be elected. The terms of 2 of the members shall be 1 year; the terms of 2 of the members shall be 2 years; and the terms of 2 of the members shall be 3 years. Each year thereafter, 2 members shall be elected for 3-year terms.

(b) In a city or village that holds biennial elections, 6 members shall be elected. The terms of 2 of the members shall be 2 years; the terms of 2 of the members shall be 4 years; and the terms of 2 of the members shall be 6 years. Biennially thereafter, 2 members shall be elected for 6-year terms.

(c) In a city or village that holds elections for city or village officers every 4 years, 6 members shall be elected for 4-year terms.

(d) In a township that holds elections for township officers every 4 years, 6 members shall be elected for 4-year terms.

(e) The members shall be nominated and elected on nonpartisan ballots. A candidate for city, village, or township governing board member shall be a qualified elector of that city, village, or township and shall file nonpartisan nominating petitions bearing the signatures of a number of registered and qualified electors of that city, village, or township as follows:

(i) For a city, village, or township having a population of 9,999 or less, not less than 6 or more than 20 signatures.

(ii) For a city, village, or township having a population of 10,000 or more, not less than 40 or more than 100 signatures.

(f) In lieu of the nominating petitions prescribed in subdivision (e), an individual may file with the clerk conducting an election a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) The Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, governs the circulation and filing of nonpartisan nominating petitions and the conduct of nonpartisan elections under this section. A nonpartisan election conducted under this section shall be held in conjunction with the city, village, or township's next regularly scheduled primary or general election.

(5) Except as otherwise provided in this subsection, a member shall hold office until a successor is elected and qualified. The office of member becomes vacant when the incumbent dies, resigns, is convicted of a felony, is removed from office by the governor under section 10 of article V of the state constitution of 1963, or, except as otherwise provided in this subsection, ceases to be a qualified elector of the city, village, or township in which he or she was appointed or elected. A member who is serving a term on a library governing board on the effective date of the amendatory act that added this sentence and who during that term ceases to be a qualified elector of the city, village, or township in which he or she was appointed or elected may serve the remainder of the term, but may not seek another term on the library governing board of that city, village, or township unless he or she meets the requirements of subsection (4)(e).

(6) A city or village library governing board shall fill a vacancy in a membership by appointment of an individual to hold office until the next regular election at which city or village officers are elected. A township library governing board shall fill a vacancy in a membership by appointment of an individual to hold office until the next general November election.

(7) A provisional or permanent governing board has the powers prescribed in section 5.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5185 ;-- CL 1897, 3459 ;-- Am. 1905, Act 67, Eff. Sept. 16, 1905 ;-- CL 1915, 3442 ;-- CL 1929, 8070 ;-- Am. 1931, Act 248, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 60, Imd. Eff. Mar. 28, 1945 ;-- CL 1948, 397.211 ;-- Am. 1978, Act 130, Imd. Eff. May 4, 1978 ;-- Am. 1980, Act 114, Imd. Eff. May 14, 1980 ;-- Am. 1980, Act 521, Eff. Mar. 31, 1981 ;-- Am. 1984, Act 138, Imd. Eff. June 1, 1984 ;-- Am. 1988, Act 432, Imd. Eff. Dec. 27, 1988 ;-- Am. 2002, Act 160, Eff. Jan. 1, 2003 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.211a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 11a.

A petition under section 10, 10a, 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 177, Eff. Mar. 23, 1999

397.212 Applicability of MCL 397.210a and 397.211; exception; organization of existing public library under MCL 397.210a.

Sec. 12.

Except as otherwise provided in section 10b, sections 10a and 11 do not apply to a city, village, or township maintaining a public library under a special act or to a public library contained in the 1979 statement prepared by the state board for libraries pursuant to section 8 of Act No. 59 of the Public Acts of 1964, being section 397.38 of the Michigan Compiled Laws. However, an existing public library may, by petition, be organized under section 10a regardless of the library's original organization.

History: 1877, Act 164, Eff. Aug. 21, 1877 ;-- How. 5186 ;-- CL 1897, 3460 ;-- CL 1915, 3443 ;-- CL 1929, 8071 ;-- CL 1948, 397.212 ;-- Am. 1978, Act 130, Imd. Eff. May 4, 1978 ;-- Am. 1980, Act 521, Eff. Mar. 31, 1981 ;-- Am. 1982, Act 286, Imd. Eff. Oct. 7, 1982

397.213 Use of library services by adjacent township, village, or city; contract; payment.

Sec. 13.

(1) Notwithstanding a contrary city, village, or township charter provision, a township, village, or city adjacent to a township, village, or city that supports a free public circulating library and reading room under this act may contract for the use of library services with that adjacent township, village, or city.

(2) A township, city, or village may pay for the use of library services contracted for under subsection (1) by levying a tax not to exceed 2 mills of its state equalized valuation, by use of money from the municipality's general fund, or with money received under Act No. 59 of the Public Acts of 1964, being sections 397.31 to 397.40 of the Michigan Compiled Laws. A tax shall not be levied or increased under this section unless a majority of the electors of the municipality voting on the question vote in favor of the tax.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903 ;-- CL 1915, 3444 ;-- CL 1929, 8072 ;-- CL 1948, 397.213 ;-- Am. 1984, Act 128, Imd. Eff. June 1, 1984 ;-- Am. 1987, Act 216, Imd. Eff. Dec. 22, 1987

397.214 Contract with township, city, or village for use of library and reading room; procedure; tax levy; library fund.

Sec. 14.

(1) Upon receipt of a petition signed by not less than 10% of the electors in any township based on the highest vote cast at the last regular election for township officers of the township, addressed to the township board, requesting that a meeting be called of the electors in the township, to consider making a contract with any township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, for the use of its privileges by the residents of the township, the township board shall call a meeting of the electors of the township by posting a notice in at least 5 public places within the township not less than 10 days before the meeting. The electors present at the meeting shall determine whether the township shall enter into a contract for the use of a free public circulating library and reading room in any township, city, or village and the rate of taxation to be levied for the purpose of paying for that use if the electors decide to enter into such a contract. However, a tax so levied shall not exceed 1 mill of the state equalized valuation of the township. If a majority of those present and voting are in favor of the township contracting for the use of a free public circulating library and reading room maintained in any township, city, or village, the township board may enter into a contract and shall levy and collect the tax provided for in this subsection, which shall be placed in a fund to be known as the "library fund". The money in the library fund shall be paid over by the township treasurer to the treasurer of the township, city, or village in which the library is located on the first day of January, February, and March of each year, to be disbursed under section 5. This subsection is not a limitation on the contractual power of a legislative body of a city, village, or township under section 13.

(2) Notwithstanding any contrary provision in a township, city, or village charter, the governing board of a library of a township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, may enter into a contract with another township, city, or village to provide the residents of that other township, city, or village with the full use of the library and reading room, upon terms and conditions agreed upon between the governing board of the library and the legislative body of the other township, city, or village. A contract entered into under this subsection shall be executed for a term of 3 years, shall be automatically extended for an indefinite term after the initial 3-year period, and shall be terminable by either party only upon 6 months' notice of the intent to terminate the contract.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903 ;-- Am. 1911, Act 272, Eff. Aug. 1, 1911 ;-- CL 1915, 3445 ;-- CL 1929, 8073 ;-- Am. 1931, Act 248, Eff. Sept. 18, 1931 ;-- CL 1948, 397.214 ;-- Am. 1984, Act 128, Imd. Eff. June 1, 1984 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.215 Contract for use of library services by county; joint governing board; membership; provisions of

contract; powers and duties of joint governing board.

Sec. 15.

(1) In a county that does not have a county library established under 1917 PA 138, MCL 397.301 to 397.305, or counties in which the population exceeds 1,000,000, a contract for use of library services under section 13 may provide for joint representation on the library governing board. A joint governing board shall not have more than 9 members.

(2) A contract for use of library services that provides for joint representation may provide that a member serving on a governing board on the day before the establishment of a joint governing board shall become a member of the joint governing board and shall serve out the balance of his or her unexpired term.

(3) A contract for the use of library services shall specify all of the following:

(a) Whether members added to an existing governing board to create a joint governing board are elected or appointed.

(b) The method of election or appointment of members added to an existing governing board to create a joint governing board.

(c) Lengths of terms of office of members added to an existing governing board to create a joint governing board. The terms of the added members shall be staggered. If a contract establishing a joint governing board is terminated, the terms of all added members end on the date of termination.

(d) The method of removal of, and the causes upon which removal may be based for, a member added to an existing governing board to create a joint governing board.

(e) The method of filling a vacancy in the office of a member added to an existing governing board to create a joint governing board. A vacancy shall be filled for the balance of the unexpired term.

(f) Any other provision that is considered necessary or advisable.

(4) Selection, length of terms, manner of filling vacancies, and removal of the members of the existing governing board who become members on the joint governing board are governed by state law or by the township, city, or village charter.

(5) If a contract for use of library services that provides for joint representation does not provide that members on the existing governing board become members on the joint governing board, the offices of the members of the existing governing board shall be vacated on the date the joint governing board assumes jurisdiction and the contract shall include the provisions required by subsection (3), which shall apply to the entire joint governing board.

(6) A joint governing board established under this section has the same powers and duties as a governing board of a library under sections 5 to 7.

History: Add. 1984, Act 128, Imd. Eff. June 1, 1984 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.216 Rights in use and benefits of library; uniform rules and regulations.

Sec. 16.

After fulfilling the contractual requirements, the people of a township, village, or city that has contracted for library services with another township, village, or city have all rights in the use and benefits of the library that they would have if they lived in the township, village, or city where the library is established, subject to uniform rules and regulations established by the governing board.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903 ;-- CL 1915, 3446 ;-- CL 1929, 8074 ;-- CL 1948, 397.216 ;-- Am. 1984, Act 128, Imd. Eff. June 1, 1984 ;-- Am. 2014, Act 131, Imd. Eff. May 27, 2014

397.217 Joint municipal libraries; villages and cities.

Sec. 17.

The people of villages may join with townships, or townships with villages, or either with cities, by complying

with similar provisions, as aforesaid in this act, and as amended, for the purpose of maintaining, supporting and receiving the benefits from a free public circulating library.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903 ;-- CL 1915, 3447 ;-- CL 1929, 8075 ;-- CL 1948, 397.217

TRANSFER OF CITY PUBLIC LIBRARIES

Act 181 of 1973

AN ACT to provide for the transfer of certain public libraries to the governing body of a city; to provide for continued operation and maintenance of the libraries; to provide for the conveyances; and to provide for the succession to title and interest of libraries.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973

The People of the State of Michigan enact:

397.231 Effect of repealing local act governing city public library.

Sec. 1.

If the local act governing a city public library is repealed, the governing body of the city shall succeed to all title and interest in the real and personal property of the library.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973

397.232 Operation and maintenance of library by governing body of city.

Sec. 2.

The governing body of the city may continue to operate and maintain the library in accordance with appropriate statutes of this state or the charter of that governmental unit.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973

397.233 Conveyance of library property to other governing body.

Sec. 3.

The governing body of the city may convey the property of such library to the governing body of another governmental unit for use of the property for library purposes.

History: 1973, Act 181, Imd. Eff. Dec. 28, 1973

PUBLIC LIBRARIES; BONDS

Act 305 of 1919

397.241-397.246 Repealed. 2002, Act 344, Imd. Eff. May 23, 2002.

LIBRARIES UNDER BOARDS OF EDUCATION

Act 261 of 1913

AN ACT to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes.

History: 1913, Act 261, Eff. Aug. 14, 1913

The People of the State of Michigan enact:

397.261 Boards of education library; annual expense estimates.

Sec. 1.

Boards of education in cities where free public libraries are under control of such boards of education by reason of existing charters or otherwise, from and after the passage of this act are hereby authorized and empowered to include in their annual estimate a sum or sums sufficient to properly care for and defray the expense of maintenance and to purchase new books required for such libraries.

History: 1913, Act 261, Eff. Aug. 14, 1913 ;-- CL 1915, 5836 ;-- CL 1929, 8081 ;-- CL 1948, 397.261

397.262 Boards of education; raising money for purchase of property; bonds; issuance; approval by electors; issuance subject to revised municipal finance act.

Sec. 2.

(1) Boards of education in cities having the control of free public libraries by reason of existing charters or otherwise are hereby authorized and empowered to raise money, either by including the amount in their annual estimates or by borrowing on the faith and credit of the school district and issuing certificates or bonds to secure the payment of the amount borrowed, sufficient to purchase property for a site and to provide the money necessary to erect, equip, and maintain buildings for a free public library and other educational uses.

(2) Bonds provided for in this act shall not be issued until the question of the issuance of those bonds has been submitted to the electors of the district affected and approved by a majority of the electors voting on the question.

(3) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1913, Act 261, Eff. Aug. 14, 1913 ;-- CL 1915, 5837 ;-- CL 1929, 8082 ;-- CL 1948, 397.262 ;-- Am. 2002, Act 346, Imd. Eff. May 23, 2002

DISTRICT LIBRARIES

Act 164 of 1955

397.271-397.276 Repealed. 1989, Act 24, Imd. Eff. May 22, 1989.

DISTRICT LIBRARY FINANCING ACT

Act 265 of 1988

AN ACT to authorize district libraries to acquire, construct, or furnish real or personal property for use for library purposes; to authorize district libraries to borrow money and issue bonds and notes and refunding bonds and notes for those acquisitions; and to authorize district libraries to levy a tax for, and to pledge their full faith and credit to, the payment of contracts, bonds, and notes.

History: 1988, Act 265, Imd. Eff. July 15, 1988

The People of the State of Michigan enact:

397.281 Short title.

Sec. 1.

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

History: 1988, Act 265, Imd. Eff. July 15, 1988

397.282 Definitions.

Sec. 2.

As used in this act:

- (a) "Board" means that term as defined in section 2 of the district library establishment act.
- (b) "District" means that term as defined in section 2 of the district library establishment act.
- (c) "District library" means a library established pursuant to the district library establishment act or a library considered to be established pursuant to the district library establishment act under section 6 of that act.
- (d) "Legislative body" means, if the municipality is a school district, the school board.
- (e) "Municipality" means that term as defined in section 2 of the district library establishment act.
- (f) "Participating" means that term as defined in section 2 of the district library establishment act.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989

397.283 Powers of board.

Sec. 3.

A board may do 1 or more of the following:

- (a) Acquire real or personal property for use for library purposes by purchase, land contract, installment purchase contract, lease with or without option to purchase, or title retaining contract.
- (b) Borrow money and issue its negotiable bonds or notes to finance the acquisition, construction, and furnishing of buildings or portions of buildings for use for library purposes, the acquisition of the necessary sites for library buildings, or the acquisition and installation of equipment necessary for the operation of the library buildings.
- (c) Submit to the electors of the district a question proposing the issuance of bonds for the purposes described in this act.
- (d) Borrow money and issue its negotiable bonds and notes for the purpose of refunding outstanding debt obligations of the district issued for the purposes described in this act.

History: 1988, Act 265, Imd. Eff. July 15, 1988

397.284 Limitation on borrowing money or issuing bonds or notes; conditions to issuance of general obligation unlimited tax bonds; ballot question.

Sec. 4.

(1) A district library shall not borrow money or issue bonds or notes for a sum that, together with the total outstanding bonded indebtedness of the district library, exceeds 5% of the state equalized valuation of the taxable property within the district.

(2) A district library shall not issue general obligation unlimited tax bonds unless all of the following conditions are met:

(a) The board adopts a resolution submitting the question of issuing general obligation unlimited tax bonds or notes to the electors of the district.

(b) The question of issuing general obligation unlimited tax bonds or notes is certified by the board and the election is conducted in the manner provided in sections 14 to 23 of the district library establishment act, 1989 PA 24, MCL 397.184 to 397.193, for an election for a districtwide tax.

(c) A majority of the qualified electors of the district voting on the question approve the issuing of the general obligation unlimited tax bonds.

(3) The question of issuing general obligation unlimited tax bonds pursuant to subsection (2) shall be submitted by ballot in substantially the following form:

"Shall the district library, formed by _____, county[ies] of _____, State of Michigan, borrow the sum of not to exceed _____ dollars (\$ _____) and issue its general obligation unlimited tax bonds for all or a portion of that amount for the purpose of _____?

Yes [] No []"

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 345, Imd. Eff. May 23, 2002

397.285 Issuance of limited tax bonds or notes by resolution.

Sec. 5.

Except as otherwise provided in section 4, a district library may issue limited tax bonds or notes by resolution of the board, without submitting the question to the electors of the district.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989 ;-- Am. 2002, Act 345, Imd. Eff. May 23, 2002

397.286 Repealed. 1989, Act 25, Imd. Eff. May 22, 1989.

Compiler's Notes: The repealed section pertained to borrowing money, issuing bonds or notes, and condition to establishment of district library.

397.287 Bonds as debt of district library; withdrawal of participating municipality from district library.

Sec. 7.

Bonds issued pursuant to this act are debt of the district library and not of the participating municipalities. If a participating municipality withdraws from a district library, taxes imposed for payment of bonds approved as provided in this act before the adoption of the resolution to withdraw shall continue to be levied within the district as if the municipality did not withdraw from the district library until the principal of and interest on those bonds are paid in full.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989

397.288 Authorization and levy of taxes to pay principal of and interest on bonds.

Sec. 8.

If a majority of the qualified electors of a district voting on the question of issuing bonds approves the issuance, or if bonds are otherwise issued pursuant to section 5, the board, by resolution, shall authorize and levy the taxes necessary to pay the principal of and interest on the bonds. The taxes shall be levied and collected with the county taxes. If, pursuant to section 5, the bonds are issued without submission of the question of the bond issue to the electors, the board shall not authorize or levy a tax that exceeds the tax levy authorized by a vote of the qualified electors of the district as provided in sections 13 to 23 of the district library establishment act.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989

397.289 Bonds subject to revised municipal finance act.

Sec. 9.

Bonds issued pursuant to this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 2002, Act 345, Imd. Eff. May 23, 2002

397.290 Submission of proposal to issue bonds; limitation.

Sec. 10.

A board shall not submit a proposal to issue bonds under this act more than 1 time during a calendar year.

History: 1988, Act 265, Imd. Eff. July 15, 1988 ;-- Am. 1989, Act 25, Imd. Eff. May 22, 1989

COUNTY LIBRARIES

Act 138 of 1917

AN ACT to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing of such service; and to provide for a tax for the purposes of this act.

History: 1917, Act 138, Eff. Aug. 10, 1917 ;-- Am. 1931, Act 249, Eff. Sept. 18, 1931

The People of the State of Michigan enact:

397.301 County libraries; establishment, contracts for service, tax.

Sec. 1.

The board of supervisors of any county shall have the power to establish a public library free for the use of the inhabitants of such county and they may contract for the use, for such purposes, of a public library already established within the county, with the body having control of such library, to furnish library service to the people of the county under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such service under such contract and the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax on the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund.

History: 1917, Act 138, Eff. Aug. 10, 1917 ;-- CL 1929, 8084 ;-- Am. 1931, Act 249, Eff. Sept. 18, 1931 ;-- Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 397.301 ;-- Am. 1956, Act 150, Eff. Aug. 11, 1956

397.302 Library board; purpose; appointment and terms of members; voting; vacancy; expansion of board; board as body corporate; powers; cost of service.

Sec. 2.

(1) To administer the county library fund, there shall be a library board consisting of 5 members appointed by the county board of commissioners for terms of 5 years each, except that the first members shall be appointed for 1, 2, 3, 4, and 5 years. In a county with a population of over 1,000,000, the superintendent of the intermediate school district serving the county, or, in a county with a population of over 1,500,000, his or her designee, shall be 1 of the members of the library board during the superintendent's term of office. Of the members appointed to the library board by the county board of commissioners in a county with a population of more than 700,000 but not more than 1,500,000, not more than 1 member may be a county commissioner, and that member shall have the same voting rights as other members of the library board.

(2) Except as otherwise provided in subsection (1), if a county commissioner is serving on a library board after

the effective date of the 1999 amendatory act that added this sentence, all of the following apply:

(a) Those county commissioners serving on a library board may serve the remainder of their terms and may be reappointed to the library board.

(b) A county board of commissioners may appoint a county commissioner to fill a vacancy on the library board created by a county commissioner's departure from the board.

(c) If a county board of commissioners does not appoint a county commissioner to fill a vacancy created by a county commissioner's departure from the board, that board position occupied by the departing county commissioner shall not subsequently be occupied by a county commissioner.

(3) By resolution and only on the request of the county library board, the county board of commissioners in a county with a population of over 1,000,000 may expand the library board to 7 members. If the superintendent of the intermediate school district, or, in a county with a population of over 1,500,000, his or her designee, is serving on the library board when the board is expanded, the 2 additional members shall be appointed to terms that correspond to the term of the member replaced by the superintendent or the superintendent's designee.

(4) The board shall be a body corporate and shall be authorized to contract for the leasing, construction, or maintenance of buildings or quarters, including the acquisition of sites, to house the county library service, and to do any other thing necessary for the conducting of the county library service, the cost of the county library service to be a charge against the county library fund.

History: 1917, Act 138, Eff. Aug. 10, 1917 ;-- CL 1929, 8085 ;-- Am. 1937, Act 113, Imd. Eff. June 24, 1937 ;-- Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 397.302 ;-- Am. 1966, Act 67, Imd. Eff. June 9, 1966 ;-- Am. 1974, Act 110, Imd. Eff. May 21, 1974 ;-- Am. 1985, Act 191, Imd. Eff. Dec. 20, 1985 ;-- Am. 1994, Act 77, Imd. Eff. Apr. 11, 1994 ;-- Am. 1999, Act 48, Imd. Eff. June 15, 1999

397.303 Contract for use of existing library; county library fund.

Sec. 3.

In case a contract shall be made with an existing library, the county library fund shall be administered by the county library board and such contract, and all services provided for thereunder, shall be supervised by the county library board; and all employees engaged in the execution and carrying out of such contract shall be county employees, except those furnished and employed by the library rendering such services in accordance with or fulfillment of such contract.

History: 1917, Act 138, Eff. Aug. 10, 1917 ;-- CL 1929, 8086 ;-- Am. 1937, Act 113, Imd. Eff. June 24, 1937 ;-- Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 397.303

397.304 County library fund; disbursement.

Sec. 4.

Said fund shall be paid by the county treasurer upon the order or warrants of said library board.

History: 1917, Act 138, Eff. Aug. 10, 1917 ;-- CL 1929, 8087 ;-- Am. 1943, Act 206, Imd. Eff. Apr. 17, 1943 ;-- CL 1948, 397.304

397.305 Contract for service to municipality; tax; effect of establishment of municipal library.

Sec. 5.

Any county possessing a county library or any board of trustees of a regional library may enter into a contract with 1 or more counties, townships, villages, cities and/or other municipalities to secure to the residents of such municipality such library service as may be agreed upon, and the money received for the furnishing of such service

shall be deposited to the credit of the library fund. Any municipality contracting for such library service shall have the power to levy a library tax in the same manner and amount as authorized in section 1 hereof for the purpose of paying therefor. Any municipality contracting for such library service may at any time establish a public library free for the use of its inhabitants, whereupon its contract for said service may be continued or terminated on such terms as may be agreed upon between the parties thereto.

History: Add. 1931, Act 249, Eff. Sept. 18, 1931 ;-- CL 1948, 397.305

TOWNSHIP AND VILLAGE LIBRARIES

Act 5 of 1917

AN ACT authorizing organized townships and incorporated villages in the state of Michigan to borrow money and to issue bonds therefor for the purpose of establishing free public libraries, purchasing sites and constructing buildings thereon.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917

The People of the State of Michigan enact:

397.321 Townships and villages; issuance of library bonds, approval by electors.

Sec. 1.

The township board of any organized township and the village council, or board of trustees, of any incorporated village in the state of Michigan are hereby authorized and empowered, upon an application signed by not less than 25 qualified electors of such township or incorporated village being first filed with the said township board, village council, or board of trustees, as the case may be, to borrow a sum of money, not exceeding 1 per cent of the assessed valuation of such township, or incorporated village, on the faith and credit of such township, or incorporated village, and to issue the bond, or bonds of such township, or incorporated village, therefor; the money so borrowed to be used for the purpose of establishing a free public library, for purchasing a site for the same or constructing buildings thereon: Provided, That a majority of the voters of such township, or incorporated village, voting thereon at a township meeting, a general election, or at a special election called by the township board, or at a general or special election called by the village council, or board of trustees, for that purpose, shall vote in favor thereof.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917 ;-- CL 1929, 8088 ;-- CL 1948, 397.321

397.322 Referendum; notice.

Sec. 2.

The question of issuing the bonds, provided for in section 1 of this act, shall be submitted to the legal voters of such township, or incorporated village, by the township board, the village council or board of trustees, within 30 days after the filing of the application mentioned in section 1, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices to be posted in 5 public places in such township, or incorporated village, at least 10 days before the time fixed by said board for such election, and by publishing the same in at least 1 newspaper published in said township, or incorporated village, or if none be published in said township, or incorporated village, then in some newspaper published in the same county, which is circulated in such township or incorporated village, at least 2 weeks before the time of such election. Such notice shall state the amount of money proposed to be raised by such bonding, and the purpose or purposes to which it

shall be applied.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917 ;-- CL 1929, 8089 ;-- CL 1948, 397.322

397.323 Referendum; form of ballot; election process.

Sec. 3.

The vote upon such proposition shall be by printed ballot, and such ballots shall be in the following form:

"For the issuing of bonds to (Purpose) Yes []."

"For the issuing of bonds to (Purpose) No []."

The election shall be conducted and the votes canvassed in all respects, as in other township or village elections.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917 ;-- CL 1929, 8090 ;-- CL 1948, 397.323

397.324 Library bonds; vote; issuance; subject to revised municipal finance act.

Sec. 4.

If at an election a majority of the qualified electors present and voting upon the proposition vote in favor of the loan, the bonds shall be issued by the township board of the township or the village council or board of trustees of the village, as the case may be. Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917 ;-- CL 1929, 8091 ;-- CL 1948, 397.324 ;-- Am. 2002, Act 332, Imd. Eff. May 23, 2002

397.325 Repealed. 2002, Act 332, Imd. Eff. May 23, 2002.

Compiler's Notes: The repealed section pertained to issuance of bonds negotiated at less than par.

397.326 Declaration of necessity.

Sec. 6.

It is hereby declared that this act is immediately necessary for the public health, peace and safety.

History: 1917, Act 5, Imd. Eff. Mar. 9, 1917 ;-- CL 1929, 8093 ;-- CL 1948, 397.326

CONSOLIDATION OF TOWNSHIP LIBRARIES

Act 165 of 1927

AN ACT to authorize the consolidation of township libraries in adjoining townships in certain cases; to provide for

their joint maintenance; and to prescribe penalties and provide remedies.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- Am. 1998, Act 184, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

397.351 Consolidation of township libraries; procedure.

Sec. 1.

It shall hereafter be lawful for the township boards of adjoining townships in the same county, by joint action of the respective township boards of such townships, by proceeding as hereinafter provided, to consolidate the libraries in each township into 1 library, and to designate the site thereof.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8094 ;-- CL 1948, 397.351

397.352 Referendum; petition.

Sec. 2.

(1) If the township board of each township that has a library is presented with a petition, signed by registered electors equal to not less than 25% of the registered electors of each township, the township board shall promptly adopt a resolution submitting the question of consolidation of the libraries of the 2 townships to the qualified electors of each township at any regular election or special election duly called for that purpose.

(2) A petition under subsection (1), 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 subsection (1) is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8095 ;-- CL 1948, 397.352 ;-- Am. 1998, Act 184, Eff. Mar. 23, 1999

397.353 Referendum; form of ballot; conduct of election.

Sec. 3.

The election shall be by ballot in substantially the following form:

"Shall the township libraries of and townships be consolidated?

Yes []

No []."

The election shall be conducted in every respect the same as other special or general elections are conducted, and the results canvassed and certified in like manner.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8096 ;-- CL 1948, 397.353

397.354 Referendum; meeting to pass joint resolution; consolidation.

Sec. 4.

If the proposition shall be carried by a majority of those voting at the election, in each township, and the respective election boards shall so certify, the respective township boards shall meet together in the township casting the largest vote at such election and shall pass a joint resolution, which shall be recorded in the minutes of the clerk of each board, canvassing the returns of the elections, and shall formally consolidate the township libraries of the 2 townships.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8097 ;-- CL 1948, 397.354

397.355 Site of library; designation.

Sec. 5.

Such resolution shall designate the site of the library, and if not able to agree by a majority vote of the board members present and voting, the county commissioner of schools shall choose a site properly located and most advantageous to the townships.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8098 ;-- CL 1948, 397.355

397.356 Maintenance expenses; apportionment.

Sec. 6.

The expense of maintenance for the ensuing year shall be estimated, and the expense apportioned between the 2 townships in proportion to their respective assessed valuations for the preceding year, and such tax certified by the clerk of each board to its respective supervisor.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8099 ;-- CL 1948, 397.356

397.357 Control of library.

Sec. 7.

Said library when so consolidated shall be under the joint control of the township boards, and any matter upon which they can not agree shall be decided by the county commissioner of schools. Not more than 2 joint meetings per year shall be held.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8100 ;-- CL 1948, 397.357

397.358 Free public library; formation.

Sec. 8.

After consolidation, the library may be formed into a free public library, with provisional board of directors in pursuance of the statute in such case made and provided, upon proper procedure for that purpose, jointly taken by

the township boards of the townships consolidating.

History: 1927, Act 165, Eff. Sept. 5, 1927 ;-- CL 1929, 8101 ;-- CL 1948, 397.358

PRIVATELY OWNED PUBLIC LIBRARIES

Act 213 of 1925

AN ACT to provide for the maintenance and operation of libraries for public use, owned or controlled by associations or individuals.

History: 1925, Act 213, Imd. Eff. May 6, 1925

The People of the State of Michigan enact:

397.371 Privately owned libraries; public support, limitation, conditions.

Sec. 1.

Any township, city or village within this state, having within its limits a library that had been open to the public upon the payment of dues, may appropriate not to exceed 1/2 of 1 mill on its assessed valuation for the support of such library, and such sum or sums shall be raised by taxation in the ordinary way: Provided, That any library so receiving support from any municipality shall be kept open for the convenience of the public not less than the afternoons and evenings of 3 days of each week, and the books therein shall be for the free use of the public under such reasonable restrictions as such library shall prescribe.

History: 1925, Act 213, Imd. Eff. May 6, 1925 ;-- CL 1929, 8102 ;-- CL 1948, 397.371

PUBLIC LIBRARY; GIFTS AND DONATIONS

Act 136 of 1921

397.381-397.382 Repealed. 2017, Act 38, Eff. Aug. 21, 2017.

LIBRARY COMMISSIONS

Act 26 of 1921 (1st Ex. Sess.)

AN ACT relative to library commissions in cities having a population of more than 250,000.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921

The People of the State of Michigan enact:

397.401 Library commission; jurisdiction.

Sec. 1.

The territory over which the library commission in any city having a population of more than 250,000 shall conduct the activities to it by law confided, and to which shall apply charges and obligations heretofore or hereafter imposed for the purposes of any said commission, shall be co-extensive with the boundaries of any said city and shall automatically change by and with any change in said boundaries.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921 ;-- CL 1929, 8105 ;-- CL 1948, 397.401

397.402 Library commission; annual budget.

Sec. 2.

The annual budget of any said commission shall be prepared in manner and time provided by the charter of any said city concerning the budget thereof and shall be submitted to and passed upon by the officers and boards of any said city as are the items in the budget thereof.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921 ;-- CL 1929, 8106 ;-- CL 1948, 397.402

397.403 Library commission; fiscal year.

Sec. 3.

The fiscal year of any said commission shall be identical with that of any said city.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921 ;-- CL 1929, 8107 ;-- CL 1948, 397.403

397.404 Effect of local act; continuation.

Sec. 4.

The relation of officers or agencies of any said city to the affairs of any said commission growing out of any special or local act of the state legislature shall continue in officers or agencies of any said city on revision or amendment of said special or local act by the electors of any said city.

History: 1921, 1st Ex. Sess., Act 26, Eff. Sept. 19, 1921 ;-- CL 1929, 8108 ;-- CL 1948, 397.404

397.405 Payrolls, bills, accounts and claims; audit and approval; certificate; allowance, payment.

Sec. 5.

All payrolls, bills, accounts and claims of every character against the library commission after having been duly audited and approved by the commission, the certificate of which audit and approval shall be endorsed thereon by the president or secretary of the commission or some member or other representative of the commission acting under authority conferred by the commission generally or specially, shall be transmitted to the city controller, who

shall endorse thereon his approval or disapproval. When so endorsed with approval the controller shall draw his warrant or warrants on the city treasurer in payment therefor. No bill, account or claim shall be audited or approved by the commission unless the same shall be accompanied by a certificate of a representative of the commission who acted for the commission in making the purchase or contract or in taking the delivery or performance that he verily believes the services or property therein charged have been actually performed or delivered for the commission, that the sum or sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no setoff exists, nor payment has been made on account thereof except such as are included or referred to in such account. A similar certificate shall be required upon all payrolls, the certificate to be made by the person under whose supervision the services charged have been rendered. The provisions hereof shall be in addition to any provisions covering the same matters in any general or local act or charter adopted pursuant to Act No. 279 of the Public Acts of 1909, as amended, being sections 117.1 to 117.38 of the Compiled Laws of 1948.

History: Add. 1947, Act 185, Eff. Oct. 11, 1947 ;-- CL 1948, 397.405 ;-- Am. 1967, Act 220, Eff. Nov. 2, 1967

FREE PUBLIC LIBRARIES

Act 115 of 1899

AN ACT to create a state board of library commissioners, to promote the establishment and efficiency of free public libraries, and to provide an appropriation therefor.

History: 1899, Act 115, Imd. Eff. June 1, 1899

The People of the State of Michigan enact:

397.453 Free libraries; annual report to state board of library commissioners.

Sec. 3.

It shall be the duty of all free libraries organized under the laws of the state, whether general or special, to make an annual report to the board of library commissioners, which report shall conform as near as may be reasonable and convenient, as to time and form such rules as the board may prescribe.

History: 1899, Act 115, Imd. Eff. June 1, 1899 ;-- CL 1915, 1152 ;-- CL 1929, 8054 ;-- CL 1948, 397.453

PUBLIC LIBRARIES

Act 92 of 1952

AN ACT to provide for cooperation and coordination in the maintenance and operation of libraries open for use by the public generally; to authorize certain contracts or arrangements for extension of library services; and to authorize the legislative body of political subdivisions to contract and pay therefor.

History: 1952, Act 92, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 152, Imd. Eff. June 2, 1953

The People of the State of Michigan enact:

397.471 Public libraries; maintenance and operation, contracts; cooperation to avoid duplication.

Sec. 1.

The officers, agency or other authority charged by law with the maintenance and operation of any library for general public use may enter into and perform contracts or arrangements with the officers, agency or other authority likewise charged in respect of any other such library for cooperation and coordination in the maintenance and operation of the libraries to avoid unnecessary duplication and at the same time promote the widest public use of books, manuscripts and other materials and facilities and bring about the supplementing of the 1 library by the other, which may include the accumulating of books, manuscripts and other materials and facilities, to whichever library belonging, of the same general nature or pertaining to the same general subject in such library as will best facilitate access thereto and promote the best use thereof by the members of the public desiring so to do.

The officers, agencies or other authorities, jointly or severally, may enter into contracts or arrangements to make available to political subdivisions of the state, including school districts, otherwise authorized by law to maintain libraries, such library services and facilities as will promote the widest public use of books and avoid unnecessary duplication and expense.

History: 1952, Act 92, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 152, Imd. Eff. June 2, 1953 ;-- Am. 1962, Act 59, Eff. Mar. 28, 1963

397.472 Public libraries; contracts and arrangements; rights and privileges of residents; expenditures; political subdivisions.

Sec. 2.

Such contracts and arrangements may be made between and among any number of such libraries. Any library supported in whole or in part by taxes or other public funds or competent in law to be so supported shall be eligible to be included in any such contract or arrangement by whatever authority such library may be maintained and operated. Residents of the territory subject to taxation for support of any library entering into any such contracts or arrangements shall have such rights and privileges in the use of the respective libraries entering into like contracts and arrangements as shall be provided therein. If the expenditures generally of such library shall by the law under which maintained and operated be subject to being budgeted and approved, any expenditure by such library required for carrying out any such contract or arrangement shall be likewise so subject.

The provisions hereof shall be broadly and liberally construed and applied and any provision in any contract or arrangement reasonably tending to effectuate in any part the intents and purposes hereof shall be deemed within the authority hereby granted. Any political subdivision of the state, including school districts, now or hereafter authorized by law to establish or maintain libraries or library services, may enter into contracts or arrangements for library services and facilities provided in section 1 and provide for the payments of obligations arising from such contracts or arrangements by resolution of the legislative body of the political subdivision or school district or in any other manner provided by law.

History: 1952, Act 92, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 152, Imd. Eff. June 2, 1953 ;-- Am. 1962, Act 59, Eff. Mar. 28, 1963

STATE LIBRARY FOR BLIND

Act 127 of 1959

AN ACT to transfer jurisdiction and control of the state library for the blind to the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960

The People of the State of Michigan enact:

397.491 State library for blind; transfer to state board for libraries.

Sec. 1.

The state library for the blind, located at the employment institution for the blind at Saginaw, is hereby placed under the jurisdiction of the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960

Compiler's Notes: For transfer of powers and duties of department of history, arts, and libraries related to library services for blind and physically handicapped to Michigan commission for the blind, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.492 State library for blind; administration, rules and regulations.

Sec. 2.

The state board for libraries shall have full power to administer this library, determine standards of operation, and make rules and regulations that will best serve both Braille and talking book readers.

History: 1959, Act 127, Eff. Mar. 19, 1960

397.493 State library for blind; appropriation.

Sec. 3.

The state board for libraries shall administer the appropriation for said library.

History: 1959, Act 127, Eff. Mar. 19, 1960

397.494 State library for blind; personnel, qualifications.

Sec. 4.

The state board for libraries shall have full power to determine the qualifications of the personnel in said library and fill all vacancies, subject to the state civil service regulations.

History: 1959, Act 127, Eff. Mar. 19, 1960

397.495 State library for blind; transfer of powers and duties to state board for libraries.

Sec. 5.

Any and all powers and duties vested by any law of this state in the state library for the blind are hereby transferred and vested in the state board for libraries.

History: 1959, Act 127, Eff. Mar. 19, 1960

STATE AID TO PUBLIC LIBRARIES ACT OF 1965

Act 286 of 1965

397.501-397.527 Repealed. 1977, Act 89, Imd. Eff. Aug. 2, 1977.

STATE AID TO PUBLIC LIBRARIES ACT

Act 89 of 1977

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 1982, Act 541, Eff. Mar. 30, 1983 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

The People of the State of Michigan enact:

397.551 Short title.

Sec. 1.

This act shall be known and may be cited as the "state aid to public libraries act".

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.552 Definitions.

Sec. 2.

As used in this act:

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 1982, Act 541, Eff. Mar. 30, 1983 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.553 Cooperative boards; establishment; number.

Sec. 3.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.554 Preliminary cooperative plan for library services; contents; development.

Sec. 4.

A preliminary cooperative plan for library services which sets forth a statement describing the specific services that will be rendered to those libraries participating in a cooperative library, the means and agencies by which the services will be rendered without duplication of existing resources and expertise, and the cooperative board that will receive funds and execute duties shall be developed by participating local public library boards.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.555 Eligibility for membership in cooperative library.

Sec. 5.

To be eligible for membership in a cooperative library, a local library shall do all of the following:

- (a) Maintain a minimum local support of 3/10 of a mill on taxable value, as taxable value is calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a, in the fiscal year before October 1 of the year before distribution.
- (b) Participate in the development of cooperative library plans.
- (c) Loan materials to other libraries participating in the cooperative library.
- (d) Maintain an open door policy to the residents of the state, as provided by section 9 of article VIII of the state constitution of 1963.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2000, Act 340, Imd. Eff. Dec. 27, 2000

397.556 Areas included in cooperative library.

Sec. 6.

- (1) A cooperative library includes those areas consisting of 1 of the following:
 - (a) Two or more counties with a total population of at least 100,000.
 - (b) One county plus portions of other counties with a population of at least 100,000.
 - (c) One county or portion of the county with a population of at least 400,000.
 - (d) Portions of 2 or more counties with a population of at least 350,000.
 - (e) Combinations of counties or portions of counties serving a population of at least 50,000, if the region served

has a population of 35 or fewer persons per square mile.

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

(3) The system board of an existing library system serving over 600,000 population may petition the department for designation as a cooperative board, and the department shall designate that system board, as already constituted, as the cooperative board. If a cooperative board is a county library board, the cooperative plan shall provide for expanding the cooperative board to represent proportionately the population served in any other county or counties within the area of the cooperative library. This expanded cooperative board shall have authority over those matters affecting the operation of the cooperative library except for the property, personnel, and governmental relationships of the county whose board was designated as the cooperative board, which matters shall continue to be the responsibility of that county library board. The department shall include in the cooperative library serving over 600,000 population the communities presently served by the existing system and all other communities not in another cooperative library within counties represented by members on the expanded cooperative board other than the designated system board members.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001 ;-- Am. 2005, Act 30, Imd. Eff. May 25, 2005 ;-- Am. 2011, Act 288, Imd. Eff. Dec. 21, 2011

397.557 Cooperative library board as representative of participating libraries; selection of members; existing systems.

Sec. 7.

A cooperative library board shall be representative of the participating libraries except as specifically provided in section 6. It shall consist of 9 members with the method of selection to be stated in the approved plan as provided in section 4. In the case of existing systems which otherwise qualify as cooperative libraries, the number of board members and their relationship to existing governmental units may continue if approved by a majority of the participating libraries and specified in the approved plan.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.558 Cooperative library board as body corporate; powers and duties; installment purchase contract, land contract, loan agreement, or lease purchase contract.

Sec. 8.

- (1) The cooperative board is a body corporate and may sue and be sued.
- (2) The cooperative board shall do all of the following:
 - (a) Operate the cooperative library and manage and control the cooperative library's funds and property.
 - (b) Select a chairperson.
 - (c) Establish, maintain, and operate cooperative services for public libraries in the cooperative library's area.
 - (d) Appoint a director or coordinator to administer the cooperative library, fix that person's compensation, and delegate to that person those powers the delegation of which is in the best interest of the cooperative library, including the power to hire necessary employees.
 - (e) Acquire books, periodicals, library materials, equipment, supplies, or other personal property by purchase, installment purchase contract, or lease with or without an option to purchase, or enter into a loan agreement and borrow money for that purpose.
 - (f) Erect buildings or acquire real property, including buildings and fixtures, by purchase, land contract, installment purchase contract, or lease with or without an option to purchase, or enter into a loan agreement and borrow money for that purpose.
 - (g) Enter into contracts to receive service from or give service to libraries in the state, including public, school,

academic, cooperative, or special libraries, and political subdivisions of the state.

(h) Exclusively control expenditures for the cooperative library.

(i) Accept gifts and donations of property for the benefit of the cooperative library and for the purposes for which donated.

(j) Adopt bylaws and rules not inconsistent with this act for its own government and do those things necessary to carry out the purposes of this act.

(3) All of the following shall apply to an installment purchase contract, land contract, loan agreement, or lease purchase contract entered into pursuant to subsection (2):

(a) The contract shall not constitute an indebtedness of any member of the cooperative library within any constitutional, charter, or statutory limitation.

(b) Principal and interest are payable solely from the revenues of the cooperative library.

(c) No member of the cooperative library shall pledge its full faith and credit to the payment of principal and interest on the contract.

(d) Interest on the unpaid principal amount of the contract shall not be treated as excluded from gross income under the internal revenue code.

(4) An installment purchase contract, land contract, lease purchase contract, or loan agreement entered into pursuant to subsection (2) shall contain a statement setting forth the provisions of subsection (3).

(5) An installment purchase contract, land contract, lease purchase agreement, or loan agreement entered into by the cooperative board for a purpose discussed in subsection (2) that occurred prior to the effective date of the 1995 amendatory act that added this subsection is validated and made legal for all purposes.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 1995, Act 231, Imd. Eff. Dec. 19, 1995

397.559 Submission and contents of plan; approval of plan; jurisdiction.

Sec. 9.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.560 Fiscal year and funds of cooperative library.

Sec. 10.

The fiscal year of the cooperative library is October 1 to September 30, except where the cooperative library must conform to the fiscal year fixed by another state law or local charter. The funds of the cooperative library shall be deposited in banks designated by the cooperative library board.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.561 Use of facilities and resources of member libraries; availability of services of cooperative library; appeal from refusal of service.

Sec. 11.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 1984, Act 432, Imd. Eff. Jan. 11, 1985 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.561a Nonresident borrowing fees.

Sec. 11a.

A library may charge nonresident borrowing fees to a person residing outside of the library's service area, including a person residing within the cooperative library's service area to which that library is assigned, if the fee does not exceed the costs incurred by the library in making borrowing privileges available to nonresidents including, but not limited to, the costs, direct and indirect, of issuing a library card, facilitating the return of loaned materials, and the attendant cost of administration.

History: Add. 1984, Act 432, Imd. Eff. Jan. 11, 1985

397.562 Resolution requesting local board to become participating library; rights, duties, and privileges of participating library.

Sec. 12.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.563 State aid for cooperative libraries.

Sec. 13.

A cooperative library shall be granted continuing state aid at the rate of 50 cents per capita for its served population.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.564 Cooperative board to provide services to member libraries within area of cooperative library.

Sec. 14.

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

- (a) A central pool or rotating book collection.
- (b) In-service training.
- (c) Book selection aids.
- (d) Bibliographic services.
- (e) Audio-visual services.
- (f) Bookmobile service or other outlets to outlying areas.
- (g) Publicity and public relations.
- (h) Printing.
- (i) A centralized purchasing operation.
- (j) Centralized processing, including cataloging and marking.
- (k) Reference services.
- (l) Delivery service.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.565 Payment for services by member libraries; cooperative library headquarters.

Sec. 15.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 1982, Act 541, Eff. Mar. 30, 1983 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

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.

397.566 State aid for public libraries; reimbursing public libraries for salary of head librarian; employee wage increases; certifying salary of head librarian.

Sec. 16.

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

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

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

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

per square mile.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.567 Compliance with certification requirements as qualification for state aid.

Sec. 17.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.568 Application for state aid; certification.

Sec. 18.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.569 Distribution of state aid; statement; vouchers; warrants.

Sec. 19.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.570 Deposit of money in separate fund; review of expenditures.

Sec. 20.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.571 Expenditure of state aid.

Sec. 21.

State aid paid to a cooperative library or a public library may be used for any expenditure, including the cost of intersystem or intrasystem contracts.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

397.572 Dispute; hearing; decision.

Sec. 22.

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.573 Needs considered by state board in carrying out powers and duties.

Sec. 23.

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

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

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

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

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

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

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.574 Repealed. 1982, Act 541, Eff. Mar. 30, 1983.

Compiler's Notes: The repealed section conferred authority on state board to promulgate rules.

397.575 Appropriation.

Sec. 25.

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

(2) It is the intent of the legislature that money available in subsection (1) be used solely for assistance to public libraries or cooperative libraries and not for the administrative expenses of the library of Michigan or the department of history, arts, and libraries.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977 ;-- Am. 2001, Act 65, Eff. Oct. 1, 2001

397.576 Repeal of MCL 397.501 to 397.527.

Sec. 26.

Act No. 286 of the Public Acts of 1965, being sections 397.501 to 397.527 of the Compiled Laws of 1970, is repealed.

History: 1977, Act 89, Imd. Eff. Aug. 2, 1977

THE LIBRARY PRIVACY ACT

Act 455 of 1982

AN ACT to provide for the confidentiality of certain library records; to provide for certain exceptions to the confidentiality of those library records; to provide for the selection and use of library materials; and to provide remedies.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

The People of the State of Michigan enact:

397.601 Short title.

Sec. 1.

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

History: 1982, Act 455, Eff. Mar. 30, 1983

397.602 Definitions.

Sec. 2.

As used in this act:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations, including logical, arithmetic, or memory functions with or on computer data or a computer program, and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Crime" means that term as defined in section 5 of the Michigan penal code, 1931 PA 328, MCL 750.5.

(f) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(g) "Harmful to minors" means that term as defined in section 4 of 1978 PA 33, MCL 722.674.

(h) "Internet" means that term as defined in 47 USC 230.

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(j) "Library" means a library that is established by this state or by a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities, a community college district, or a college or university, or a private library open to the public.

(k) "Library record" means a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library. Library record does not include either of the following:

(i) Nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

(ii) Recorded video surveillance images made solely for security purposes that do not include images of any activity or any other document or record that identifies a person as having requested or lawfully obtained specific services, materials, or information resources from a library.

(l) "Minor" means an individual who is less than 18 years of age.

(m) "Obscene" means that term as defined in section 2 of 1984 PA 343, MCL 752.362.

(n) "Sexually explicit matter" means that term as defined in section 3 of 1978 PA 33, MCL 722.673.

(o) "Terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 1998, Act 7, Imd. Eff. Feb. 6, 1998 ;-- Am. 1999, Act 37, Eff. Aug. 1, 1999 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.603 Library record not subject to disclosure requirements; release or disclosure of library record without consent prohibited; exception; procedure and form of written consent; hearing; disclosure exception.

Sec. 3.

(1) A library record is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) A library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to a person without the written consent of the person liable for payment for or return of the materials identified in that library record, unless 1 of the following applies:

(a) A court has ordered the release or disclosure after giving the affected library notice of the request and an opportunity to be heard on the request.

(b) The release or disclosure is permitted under subsection (5).

(3) The procedure and form of giving the written consent described in subsection (2) may be determined by the library.

(4) A library may appear and be represented by counsel at a hearing described in subsection (2)(a).

(5) A library or an employee or agent of a library may disclose library records without a court order or the written consent described in subsection (2) under either of the following circumstances:

(a) The library or an employee or agent of the library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency under contract with the library. The library or an employee or agent of the library shall provide the collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect fines from the patron.

(b) The library or an employee or agent of the library may disclose library records to another library or library cooperative for the purpose of conducting interlibrary loans. The library records must be limited to those required for providing interlibrary loans.

(6) This section does not prohibit an employee or agent of a library from providing a sworn statement or testimony to a law enforcement officer based solely on the personal knowledge of the employee or agent of the library regarding a crime alleged to have occurred at the library.

(7) As used in this section and section 4, "employee or agent" includes an employee of a library, a member of the governing body of a library, an individual who is specifically designated as a volunteer and who is acting solely on behalf of a library, and any other person who is lawfully performing services on behalf of a library under a written contract, including a collection agency.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 1996, Act 188, Imd. Eff. May 8, 1996 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.604 Violation of MCL 397.603; liability; civil action; damages; attorney fees and costs; equitable relief.

Sec. 4.

(1) If a library or an employee or agent of a library violates section 3, the library is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the library for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(2) If an employee or agent of a library knowingly violates section 3, the employee or agent is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the employee or agent for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(3) A civil action brought under this section by or on behalf of a person identified in a library record must be brought within 180 days after the date that the person first knew or had reason to know of the release or disclosure of the record giving rise to the civil action.

History: 1982, Act 455, Eff. Mar. 30, 1983 ;-- Am. 2020, Act 315, Eff. Mar. 29, 2021

397.605 Selection and use of library materials.

Sec. 5.

(1) Except as otherwise provided by statute or by a regulation adopted by the governing body of the library, the selection of library materials for inclusion in a library's collection shall be determined only by an employee of the library.

(2) Except as otherwise provided by law or by a regulation adopted by the governing body of the library, the use of library materials shall be determined only by an employee of the library.

History: 1982, Act 455, Eff. Mar. 30, 1983

397.606 Restriction of internet access to minors; immunity from liability; exceptions.

Sec. 6.

(1) If a library offers use of the internet or a computer, computer program, computer network, or computer system to the public, the governing body of that library shall adopt and require enforcement of a policy that restricts access to minors by providing the use of the internet or a computer, computer program, computer network, or computer system in 1 of the following ways:

(a) Both of the following:

(i) By making available, to individuals of any age, 1 or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors.

(ii) By reserving, to individuals 18 years of age or older or minors who are accompanied by their parent or guardian, 1 or more terminals that are not restricted from receiving any material.

(b) By utilizing a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors.

(2) A governing body of a library, member of a governing body of a library, library, or an agent or employee of a governing body of a library or library, is immune from liability in a civil action as provided in section 7 of the revised judicature act of 1961, 1961 PA 236, MCL 691.1407.

(3) This section does not apply to a library established by a community college district, a college or university, or a private library open to the public.

History: Add. 1999, Act 37, Eff. Aug. 1, 1999 ;-- Am. 2000, Act 212, Eff. Oct. 1, 2000