

THE DISTRICT LIBRARY ESTABLISHMENT ACT (EXCERPT)
Act 24 of 1989

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.