Notice: Changes to District Library Establishment Act in 2015

If your community is considering forming a district library, please note there will be a significant change in the District Library Establishment Act (DLEA) going into effect on January 1, 2015.

Section 2(i) of the DLEA, MCL 397.172(i), currently states that cities, villages, townships, counties and school districts may be participating municipalities for the purpose of establishing a new district library. Section 2(i), however, also states that after January 1, 2015, a school district may NOT be a participating municipality – this specific provision will “sunset.”

Practically speaking, this means that new agreements for establishing a district library that include a school district as a participating municipality must have all authorizations in place – i.e., must be signed and approved by ALL the necessary parties - by December 31, 2014. The Library of Michigan will continue to review these agreements within a reasonable time of receipt by the State Librarian’s Office, although please be aware that Section 5(1) of the DLEA, MCL 397.175(1), states 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.”

HB 5597, which proposes to remove the sunset provision, is currently pending in the Michigan Legislature. If HB 5597 is enacted, school districts will continue to be able to be participating municipalities for purposes of establishing a district library. The progress of HB 5597 may be followed on the Michigan Legislature website at http://legislature.mi.gov/doc.aspx?2014-HB-5597. HB 5597 does NOT however - as of July 23, 2014 - change the DLEA prohibition against adding a school district as a participating municipality under Section 25(1), MCL 397.195.

For questions, please contact Kim Koscielniak (koscielniakk@michigan.gov) at the Library of Michigan.

State Law Library
Library of Michigan
Michigan Library and Historical Center
702 W. Kalamazoo
Lansing, MI 48909

lmlawlib@michigan.gov
517-373-0630
www.michigan.gov/lawlibrary