OFFICIAL BALLOT

SPECIAL NORTH SHELBY COUNTY LIBRARY DISTRICT ELECTION
SHELBY COUNTY, ALABAMA
JUNE 28, 1988

Mark the voting square to the right of your choice, like this ☑

QUESTION I
Shall there be created for the area a district for providing public library service?

YES ☑

NO ☐

QUESTION II
Shall the following schedule of service charges be approved as applicable within the District:

ANNUAL CHARGES

The following charges shall become due for the fiscal year beginning July 1, 1988 through June 30, 1989 and each fiscal year thereafter:

1. FIFTEEN AND 00/100 DOLLARS ($15.00) - Annuality - Single family residences on which the property owner has claimed homestead exemption for the current tax year. Any residence that does not have homestead exemption claimed by the property owner for the current tax year shall not be included under this paragraph but shall be included under payment category number 2 listed below.

2. NO CHARGE - Any property owner who at the time of the assessment is due is sixty-five and older, or has been determined by the Shelby County Tax Assessor to qualify as Exempt 20 and/or Exempt 30.

3. ALL OTHER PROPERTIES - Any property owner not specifically included in the property described in the two preceding paragraphs will pay an amount equal to one and three-fourths mills (1.75) of the assessed value of the property for the current fiscal tax year.

OTHER CHARGES

4. FIFTEEN AND 00/100 DOLLARS ($15.00) - Late fee payment for any billing for services not paid within thirty (30) calendar months of the District’s fiscal year which begins July 1.

5. FIVE AND 00/100 DOLLARS ($5.00) for appeal to the Trustees of the District of any of the foregoing service charges which amount would be refunded if the Trustees determine that the service charge involved should be reduced to a less costly classification. Once a request for appeal has been filed, the Trustees shall notify and obtain agreement from the property owner, as to a mutually satisfactory date for the appeal hearing, not sooner than ten (10) days from the date of reaching such agreement. An appeal must be requested within thirty (30) days of the original billing for the service. The Trustees' decision shall be final.

6. COST OF ENFORCING COLLECTION: The property owner shall be liable for all costs involved in enforcing collection, including a reasonable attorney's fee, and under foreclosure proceedings would be liable for interest at maximum legal rates in the event the property owner should pay off the debt within three years and recover possession. After three years, all rights of the property owner in the property would be extinguished.

OTHER MATTERS INCIDENTAL TO THE SCHEDULE OF SERVICE CHARGES

1. Failure to pay charges subject to a late payment fee shall empower the Trustees to establish liens against the property, and continuing disregard for demands for payment will result in the establishment of foreclosure proceedings in the same manner as set out in Sec. 35-10-3, Code of Alabama (1975).

2. So long as any governmental financing of the district is in force, attempts to improperly evade the payment of established rate changes may cause the Trustees to request the appropriate governmental entity to institute charges for fraud against the land owner.

3. Unless the District is notified of another address for mailing purposes, bills delivered to the property or to the address provided by the Shelby County Tax Assessor's Office shall be deemed to have been delivered to the owner of the property, whether or not the owner provides mailboxes for the receipt of such mail.

4. The Board of Trustees shall have the right, exercisable after a hearing, but in their sole discretion, to waive current charges if any property owner is found to be indigent considering his, her or its total assets, in the opinion of the Trustees.

QUESTION III
Shall the following named individuals: Kathleen Hightower; Pat Jahnle; James Nolan; Jeff Gilbert; and Lucy Watson be elected as interim trustees of the district to serve until an election can be held in accord with the applicable provisions of Act No. 38-255, Acts of Alabama, 1988?

YES ☑

NO ☐

(Continued on next column)
SAMPLE BALLOT

Front

OFFICIAL BALLOT
NOVEMBER 6, 1990

SPECIAL NORTH SHELBY COUNTY
LIBRARY DISTRICT ELECTION
SHELBY COUNTY, ALABAMA

Mark the voting square to the right of your choice, like this ✄

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SPECIAL TRUSTEE
LIBRARY ELECTION

FOR TRUSTEE OF NORTH SHELBY
LIBRARY DISTRICT, PLACE 1
(Vote for One)

JAMES N. NOLAN ✄

FOR TRUSTEE OF NORTH SHELBY
LIBRARY DISTRICT, PLACE 2
(Vote for One)

LUCY T. WATSON ✄

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LIBRARY DISTRICT
REFERENDUM

Shall the Schedule of Charges of the
North Shelby County Library District
be revised so as to provide for the
following?

YES ✄

NO ✄

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SCHEDULE AND CHARGES

1. Single-Family Residences With
Homestead Exemption:
   A. Any single-family residence on
      which the property owner has claimed
      and received a homestead exemption
      for the current tax year shall be subject
to an annual service charge of Fifteen
Dollars ($15.00).

2. All Other Properties:
   A. All properties within the District
      that do not qualify as single-family
      residences with homestead exemption
      pursuant to the provisions of section
      1. above, shall be subject to an annual
      service charge of an amount equal to
      one and three-fourths mills (1.75) of the
      assessed value of the property for the
      current fiscal tax year.
   B. Any service charge due pursuant
to this section 2 that is not paid
within three (3) calendar months of the
due date of the first day of the applica-
table fiscal year shall be subject to an
additional late fee of Seven Dollars and
Fifty Cents ($7.50) per parcel or Ten
Percent (10%) of the unpaid service
charge applicable to the parcel, who-
ever is greater, plus all applicable
interest and collection charges as
otherwise permitted by law.
   C. Any service charge due pursuant
to this Section 1 that is not paid
within three (3) calendar months of the
due date of the first day of the appli-
cable fiscal year shall be subject to an
additional late fee of Seven Dollars and
Fifty Cents ($7.50) per parcel plus
applicable interest and collection
charges as otherwise permitted by law.

(Continued on next column)
HB335
21860-4
By Representative Hill (N & P)
RFD: Shelby County Legislation
First Read: 03-FEB-2000
Enrolled, An Act,

Relating to Shelby County; to amend Act 88-258, 1988
Regular Session (Acts 1988, p. 393), authorizing the creation
of public library districts, to further provide for elections
pursuant to the act including the election of the library
board; and to further provide the procedure for enlargement of
districts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 4, 5, 6, 9, and 13 of Act
88-258, 1988 Regular Session (Acts 1988, p. 393), are amended
to read as follows:

"Section 4. (a) When a petition for the holding of
any election pursuant to this act is filed with the judge of
probate, the judge of probate shall order the election sought
by the petition to be held on a day not less than 30 days nor
more than 60 days from the date on which the judge of probate
enters the order.

"(b) Subsection (a) applies to all elections
provided for by this act except when an election is prohibited
by subsection (c) or other specific provisions are provided by
this act.

"(c) Elections pertaining to the establishment of a
district or portion thereof, for the abolition of a district,
or for the merger of two districts shall not be held more than
once every two years.
"Section 5. (a) Any election held pursuant to this act shall be conducted in all respects as provided by the general election laws except as otherwise provided by this act. Provided, however, that an official ballot need not be provided, and that it shall not be necessary for the ballots to be of any particular size, form, or color.

(b) The judge of probate may designate as many voting places as may be deemed necessary for the convenience of the voters, and shall designate the boundaries within which the voters shall reside to vote at the respective voting places, and shall appoint the necessary inspectors of election, clerks, and one returning officer for each voting place. The inspectors shall manage the election at their respective voting place.

(1) The inspectors shall, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting place to the judge of probate and deliver the same to the returning officer, who shall at once return the same to the judge of probate. The judge of probate shall canvass the return as made by the inspectors and certify the election and declare the results.

(2) The library board shall certify the voters list, determine the method and manner of voting, and provide the ballots and other supplies necessary for proper implementation of the voting method which the board has selected.
(3) The library board shall be responsible for publishing the notice of election and shall pay all costs of the publication.

(4) The district shall pay all expenses of any election held pursuant to this act.

(5) Voting by absentee ballot in any election held pursuant to this act shall not be required unless the library board specifically determines that it shall provide for absentee voting.

Section 6. Notice of any election held under this act shall be given by publishing for three weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the county where the election is to be held, that on the day fixed for the election the questions to be then voted on will be submitted to the qualified electors residing in the district or proposed district.

Section 9. (a) The affairs and business of the district shall be managed by a library board consisting of five members who shall be elected by the qualified electors residing in the district. The current board members on the effective date of this act elected at the general election in November 1996, shall serve until October 1, 2000, and the current board members elected at the general election in November 1998, shall serve until October 1, 2002, at which time the new board members elected pursuant to this act shall take office. The library board shall conduct the elections for
board membership on the second Tuesday of September of every
even year, to take office on October 1, of that year and every
four years thereafter.

"(b) No person shall be elected to the board unless
he or she is a person who is a registered voter residing
within the boundaries of the district. A person who desires to
run for the board shall file a notice of candidacy for a place
on the board with the judge of probate on or before July 15
preceding the election. The person receiving the highest
number of votes for each place shall be the successful
candidate. In the event of a tie vote, the top two candidates
will draw lots in the presence of the judge of probate to
determine the winning candidate. In event that there is only
one candidate who qualifies to run for a place, the judge of
probate shall certify the election of that candidate to that
place and no election for that place shall be held.

"(c) Each term shall be for a term of four years.
Provided, however, that to stagger the terms, Place No. 1 and
Place No. 2 initially shall be elected for a term of two
years, and Places 3, 4, and 5 shall be elected for a term of
four years, in the first election held after an election
providing for the formation of a district created pursuant to
this act. The initial election shall be conducted on the
second Tuesday of September of the first even year after
organization.
"(d) In the event of a vacancy on a library board, the place vacant shall be filled by the majority vote of the remaining membership of the board for the unexpired term of the vacant position. A vacancy shall also be deemed to occur in the event there is a place for which no candidate has been nominated, and the vacancy for the new term shall be filled as provided for herein, except that the office holder whose term has expired shall continue to hold office until the vacancy is filled.

"(e) The library board shall elect annually from its own number a president, a vice president, and a secretary/treasurer. The members of the board shall not be entitled to any compensation for their services, but they shall be entitled to reimbursement for all reasonable expenses incurred by them in the performance of their duties. A quorum of the board shall consist of three members and a quorum shall be present in order for the board to transact business. The board may adopt rules, regulations, and by-laws to further provide for the operation of the district.

"(f) The board shall maintain a complete record of the proceedings of its meetings and shall require the director of the library to maintain a detailed record of the receipts and disbursements of all library funds.

"Section 13. (a) A district may be enlarged by consent pursuant to subsection (b) or by petition and referendum pursuant to subsection (c), provided, that no area
lying within a municipality or another library district at the
time of the enlargement shall be brought within the district.
"(b) Property may be brought within a district by
consent pursuant to the following:

"(1) If the owners of property located and contained
within an area contiguous to the existing boundary of the
district shall sign and file a written petition with the board
of trustees requesting that the property or territory be
included within the district and accepting every service
charge in effect within the district at the time of filing the
petition, and the board of trustees adopts a resolution
assenting to the inclusion of the property within the
district, the limits of the district shall be enlarged and
rearranged so as to embrace and include the property and the
property or territory shall become a part of the area of the
district upon the date of recording the resolution and
petition with the office of the judge of probate.

"(2) The petition required by this paragraph shall
contain an accurate description of the property or territory
proposed to be included within the district together with a
map of the territory showing its relationship to the boundary
of the district to which the property is proposed to be
included and the signatures of all the owners of the property
or territory described. It shall be the duty of the board of
trustees to file a description of the property or territory in
the office of the judge of probate.
"(c)(1) The term "proposed area," as used in this subsection, means an area which is proposed to be brought within a district by enlargement of the district. When the board of trustees of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the property owners of the proposed area, the board of trustees may file in the office of the judge of probate a petition that there be an election at which there shall be submitted to the qualified property owners within the proposed area: (i) the question of whether the proposed area shall be included within the district; and (ii) the question of whether every service charge in effect within the district at the time of the election is approved.

"(2) Upon the petition being filed, except as provided in subdivision (4) of this subsection (c), the judge of probate shall, not less than 10 nor more than 15 days from the date of the filing of the petition, make and enter an order upon the minutes of the court, directing and ordering an election at which election the qualified property owners within the proposed area shall vote on the two foregoing questions. The election shall be held as provided in Section 4. The district shall give notice of the holding of the election by publication in a newspaper published within the county. The notice shall state the day on which the election will be held and the boundaries within which voters must
reside to vote, and the notice shall give a description of the
proposed area and shall state that a map of the proposed area
is on file in the office of the judge of probate, open to the
inspection of the public.

"(3) Each qualified elector who has resided within
the boundaries of the proposed area for three months next
preceding the election may vote at the election, and shall
vote at the voting place or places designated by the judge of
probate.

"(4) If within 10 days from the date of the filing
of the petition provided in subdivision (1) of this subsection
(c), each of the property owners in the proposed area appears
before the judge of probate and consents in writing to include
the proposed area within the district and approving every
service charge in effect within the district at the time of
the election, then no election shall be held. Upon
determining that each of the property owners in the proposed
area has so consented, the judge of probate shall make and
enter an order on the records of the probate court setting
forth the findings and adjudging and decreeing the boundaries
of the district to be extended so as to embrace the proposed
area described in the petition and designated on the plat or
map attached to the petition and must cause the petition and
map and all orders or decrees or judgments to be recorded in
the records in the probate office, and from the time of the
entry of the order the proposed area shall be a part of and within the boundaries of the district.

"(5) The plat or map filed with the petition shall show accurately the proposed area to be embraced within the boundaries of the district, including all subdivisions into lots, blocks, streets, and alleys within the proposed area, if any, and an accurate description by metes and bounds of the boundary of the proposed area, which proposed area shall be contiguous to the boundary of the district and may extend to or around the boundary line of any city or town, but is not to embrace any territory within the corporate limits of any municipality. No platted or unplatted territory shall be included within the boundary unless there are at least two qualified electors residing, according to a government survey, on each quarter of each quarter section or part thereof of platted or unplatted land who assent thereto in writing by signing the petition, together with the consent of the persons, firms, or corporations owning at least 60 percent of the acreage of the platted or unplatted land, the consent to be indicated by signing the petition. Proof of residence and qualification as electors of petitioners and of persons affected shall be made to the judge of probate by affidavit or otherwise as the judge may direct. When determining the ownership of the land within the proposed area, the persons, firms, or corporations assessing the same for taxation shall
be accepted by the judge of probate as prima facie the owners thereof."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
I hereby certify that the within Act originated in and was passed by the House 22-FEB-2000.

Greg Pappas
Clerk

Senate 27-APR-2000 Passed

APPROVED 5-3-00
TIME 2:24 pm

GOVERNOR

Alabama Secretary Of State
Act Num....: 2000-358
Bill Num....: H-335
S. 341

(With Notice and Proof)

By: Senator Ellis

Enrolled, An Act,

Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to Shelby County, Alabama, and to no other county.

Section 2. Any area situated entirely within Shelby County may be established as a district for providing public library service in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality or an existing library district at the time of the election shall be included in a district.

Section 3. The probate judge of Shelby County shall order an election to be held in the proposed district on the question or questions when a petition is filed in the office of the probate judge requesting an election.

The petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the proposed district.

The petition shall contain a legal description of

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the area which it proposes to be established as a district under the provisions of this act; and the petition shall request the probate judge to call an election on one or more of the following questions: Shall there be created for the area a district for public library service?

The petition shall state the name of the proposed district. The library board of a district may change the name of the district by filing in the office of the probate judge a copy of a resolution changing the name thereof, which copy shall be certified by the chairman of the library board.

The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge which last named petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge, if the request for the election on the proposed district and the request for an election of the proposed service charge are combined in a single petition.

The petition shall also name five interim board members, who shall be persons who are qualified electors residing within the boundaries of the proposed district, to serve as a library board until permanent board members can be elected in accordance with the provisions of section 9 hereof.

Section 4. (a) When a petition for the holding of any election hereunder is filed with the probate judge, the probate judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty calendar days from the date on which the probate judge enters said order.

(b) The provisions of section 4(a) shall apply to
all elections provided for by this act, provided such an
election is not prohibited by section 4(c) or other
provisions of this act.

(c) Elections on the question of the amount for
service charges may be held pursuant to the provisions of
section 12 of this act. Elections pertaining to the
establishment of the same district or portion thereof or for
the abolition of a district shall not be held more than once
every two years. Elections for members of the library board
shall be held pursuant to the provisions of section 9 of this
act.

Section 5. The provisions of the election laws
governing the registration of voters, equipment at the
polling places, furnishing of supplies, appointment of
election officers, voting and canvassing returns at a general
election shall apply to an election held hereunder.

Section 6. The probate judge shall give notice of
any election held under this act by publishing for three
weeks at least once a week, on the same day of each week, in
a newspaper of general circulation in the territory where
said election is to be held, a notice that on the day fixed
for the election the questions to be then voted on will be
submitted to the electors of the said territory.

Section 7. Where an election is held on the
question of the establishment of a district, the governing
body of the county shall pay for the necessary expense of
advertising and conducting such election out of the general
funds of the county, provided, however, that if the district
is established, the district shall reimburse the county for
the expenses incurred by the county in respect to said
election.

After a district has been established, the district
shall pay the expense of any election held in the district or
held in any area which it is proposed to be added to the
district.

Section 8. No district shall be created unless the creation thereof is approved by the majority of votes cast at the election at which the proposed creation is submitted. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at such election, the proposed district shall be created and shall constitute a public corporation.

Section 9. The affairs and business of the district shall be managed by a library board consisting of five members who shall be elected by the qualified electors of the district. Such election shall be held at the same time and conducted by the same election officials as regular general county elections. No person shall be elected to said board unless he is a person who is a qualified elector residing within the boundaries of the proposed district. Nominations for candidates for designated places as members of the library board shall be made by petition signed by not less than 25 persons who are qualified electors residing within the boundaries of the district, which petition shall designate the place number for which said candidate is being nominated. Said petition shall be filed with the probate judge not less than 40 days prior to the date set for the election. The person receiving the highest number of votes for each place shall be the successful candidate. Election shall be for a term of four years provided, however, that to stagger the terms, Place No. 1 and Place No. 2 shall be elected for a term of two years, and Places 3, 4, and 5 shall be elected for a term of four years, in the first election held after this act becomes effective.

In the event of a vacancy on the library board, the same shall be filled by the majority vote of the remaining membership of the library board, and such election shall be
for the unexpired term of the member causing the vacancy.

The library board shall elect annually from its own
number a president and a secretary. The members of the
library board shall not be entitled to any compensation for
their services; but they shall be entitled to reimbursement
for all reasonable expenses incurred by them in the
performance of their duties. Members of the board shall
maintain a complete record of the proceedings of its
meetings, and shall require the director of the library to
maintain a detailed record of the receipts and disbursements
of all library funds.

Section 10. The district shall constitute a public
corporation, which shall have the power to do any and all
acts or things necessary and convenient for carrying out the
purposes for which it is created including, but not limited
to: to sue and be sued; to have a seal and alter the same at
pleasure; to acquire, hold and dispose of property, real and
personal, tangible and intangible, or interests therein and
to pay therefor in cash or on credit, and to secure and
procure payment of all or any part of the purchase price
thereof on such terms and conditions as the board shall
determine; to acquire, own, operate, maintain and improve a
system or systems; to pledge all or any part of its revenues,
or mortgage, or otherwise encumber, all or any part of its
property for the purpose of securing the payment of the
principal of and interest on any of its obligations; to sell,
lease, mortgage or otherwise encumber or dispose of all or
any part of its property, as hereinafter provided; to
contract debts, borrow money and to issue or assume the
payment of obligations; to levy and collect service charges,
as herein provided in this act, subject to the limitations
prescribed in this act; to negotiate and enter into contracts
with residents of areas outside of district or with other
districts to furnish public library services and to charge
fees for such service; to employ agents, servants, and attorneys; and to perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

Additionally, the library board shall have the following powers:

(a) To elect its own officers and to adopt such bylaws, rules and regulations for its own guidance and for the government of the library as may be necessary;

(b) To have the exclusive control of the expenditure of all funds appropriated for the library;

(c) To appoint a director of the library and all other employees, to fix their compensation and to remove such appointees upon the showing of just cause;

(d) To determine the general operating policies of the library in consultation with or upon the recommendation of the director of the library;

(e) To purchase books, equipment and other library materials;

(f) To exclude from the use of the library any person who willfully violates the rules prescribed by the board;

(g) To extend the use of the library to persons residing outside the district;

(h) To accept gifts of books, money or other property, real and personal, which may be used or held in trust for the general purposes of the library;

(i) To enter into an agreement with other public libraries in a cooperative library system;

(j) To prepare an annual budget; and

(k) To exercise such powers not inconsistent with law, necessary for the effective use and management of the library.
The property and income of the district, all bonds
issued by the district, the income from such bonds,
conveyances by or to the district, and leases, mortgages and
deeds of trust by or to the district shall be exempt from all
taxation in the state of Alabama, including specifically the
tax imposed by Section 40-21-82 of the Code of Alabama 1975,
as amended. The district shall be exempt from all taxes
levied by any county, municipality, or other political
subdivision of the state, including, but without limitation
to, license and excise taxes imposed in respect of the
privilege of engaging in any of the activities that a
district may engage in. The district shall not be obligated
to pay or allow any fees, taxes or costs to the judge of
probate of any county in respect of its incorporation, the
amendment of its certificate of incorporation, or the
recording of any document.

Section 11. (a) The expense of establishing and
maintaining a district shall be paid for by the proceeds of a
service charge which shall be levied and collected in an
amount sufficient to pay said expense. Said service charge
shall be levied upon and collected from persons and
properties served by the district. Such charge shall be a
personal obligation of the owner of the property served by
the district; and to secure the collection of the charge
there shall be a lien against said property in favor of the
district, which lien shall be enforceable by sale thereof in
the same manner in which the foreclosure of a municipal
assessment for public improvements is authorized.

(b) A property owner who owns a structure, used
solely as a residence, which at the time of its original
construction was situated on a county line, may avoid the
payment of a service charge which is based upon the presence
of such structure; if (1) at no time before or after the
effective date of this act, was such structure assessed for
taxes in Shelby County, (2) at no time before or after the
effective date of this act, was any homestead exemption
claimed for such structure in reduction of taxes assessed in
Shelby County, and, the property owner furnishes to the
district an agreement that any service charges imposed with
respect to future construction on the property shall
constitute a lien upon the entire property located within the
district, including the property upon which the residence is
situated.

Section 12. No service charge shall be levied
unless the same has been first approved by the majority of
the votes cast at an election held hereunder by the qualified
electors residing within the district, or within the proposed
district.

An election on the question of levying service
charges in a proposed district may be held at the time that
the election is held on the creation of the district,
provided that the petition for the election on the question
on the service charge accompanies the petition for the
election on the establishment of the proposed district as is
provided for in section 4 above. An election on the question
of service charges, other than an election coincident to the
creation of the district, may be held upon the library board
of a district submitting to the probate judge a petition for
such election as herein provided. The library board shall
file in the office of the probate judge a petition to call an
election in the district on the question of whether the
service charge proposed by the board be levied. This
petition shall state specifically the charges proposed to be
levied. The petition may request that an election be held on
one or more than one proposed charge classification.
Additionally, a petition submitted by the library board shall
contain a report that will indicate the nature and extent of
library service that is proposed to be supported by all
service charges that will be in effect if the petition is approved by the electors; and a certification by the library board that the service charges proposed, together with service charges otherwise in effect, will also provide for the interest and maturities on all outstanding debt of the district. Upon the petition being filed with the probate judge, he shall order an election to be held within the time provided for by section 4(a) above. Notice of such election shall be given as provided for in section 6 of the act.

Section 13. (a) A district may be enlarged in accordance with the terms of this section, provided, however, that no area lying within a municipality at the time of the enlargement shall be brought within the district.

(b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c) approve the inclusion of the area within the district and also approve every service charge in effect within the district at the time of the election.

(c) The term "proposed area," as used in this subsection, means an area which is proposed to be brought within a district by enlargement of the district. When the library board of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the qualified electors residing within the boundaries of the proposed area, the library board may file in the office of the probate judge a petition (signed by the majority of qualified electors residing within the boundaries of the proposed area) that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge in effect within
the district at the time of the election is approved. Upon such petition being filed, the probate judge shall order an election to be held within the proposed area, within the time provided for in section 4, at which election the qualified electors residing within the boundaries of the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of the votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election, the proposed area shall become a part of the district.

Section 14. Any district created hereunder may be abolished in the manner provided for in this section 14; provided, however, that no district shall be abolished nor shall the boundaries of any district be diminished in any manner, when it has any indebtedness. The library board shall have the responsibility to provide proper documentation as to the question of indebtedness.

Upon the petition for abolition of a district, conforming to the requirements set forth below, being filed with the probate judge, he shall order an election on abolition of the district to be held in the district within the time provided for by section 4, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 qualified electors residing within the boundaries of the district. It shall contain a recital that the district is not indebted; and it shall request the probate judge to order an election on whether the district shall be abolished. Upon the officers canvassing the returns of the election certifying
that abolition of the district was approved by a majority of
the votes cast at the election, the district shall be
abolished.

Section 15. The provisions of this act are
severable. If any part of the act is declared invalid or
unconstitutional, such declaration shall not affect the part
which remains.

Section 16. All laws or parts of laws which
conflict with this act are hereby repealed.

Section 17. This act shall become effective
immediately upon its passage and approval by the Governor, or
upon its otherwise becoming a law.

President and Presiding Officer of the Senate

James M. Campbell

Speaker of the House of Representatives

Pro Tem

S. 841

Senate 3-1-86
I hereby certify that the within Act originated in and passed
the Senate.

McDowell Lee,
Secretary

House of Representatives
Passed 3-30-86

By: Senator Ellis

APPROVED 4/12 1986

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