MLA Advocacy - May 24, 2018



House Bill 5090 Reduces Library Funding

Thank you to everyone who contacted their Senators regarding HB 5090. There have been nearly 300 responses to our request urging your Senator to talk with Sen. Tom Casperson, chair of the Senate Transportation Committee. After a meeting with the Senator's office today, we learned the bill will not move until the fall. The Senator has agreed to work with us to help address our concerns and MLA will testify at the committee hearing next week.

Libraries are regularly faced with proposed legislation that would divert penal fine revenue. House Bill 5090 changes how fines from weigh stations are distributed. Failure to stop at a weigh station would be changed from a misdemeanor to a civil infraction and exempt certain vehicles. This means a reduction in penal fines to libraries since civil infraction penalties are lower than misdemeanor penalties.

Penal fine funding is constitutionally mandated. In addition, since public libraries are not connected with the collection of the fines, there is no conflict of interest in the way the fines are collected and the entity (public libraries) that eventually receives the revenues from the fines.

Additionally, we understand that how a "crime" should be categorized (civil infraction, misdemeanor, felony) should be determined based on what penalty society believes is most appropriate for an action it is trying to discourage and/or punish. It would be inappropriate for example to make something that should be a civil infraction into a misdemeanor just so fine money would flow into certain coffers or at a higher amount or categorize it as a misdemeanor just to generate additional revenue.

Just as prior legislation has resulted in reduced library funding, this bill would again reduce constitutionally guaranteed funding to libraries. MLA will testify in Senate Transportation

Committee next week and will ask that if they recategorize the crime, they find a way to respect our constitutionally guaranteed funding and mitigate the losses to libraries with alternative funding.

Attorney General Opinion on Millages Confirms Generally Accepted Understanding

The Attorney General's office this week rendered an opinion on district library millages. A concern was raised by a local municipality questioning the validity of a perpetual millage.

The AG opinion concludes as follows:

"It is my opinion, therefore, that a millage levied by a district library established under the DLEA is not subject to the mill limitations or the 20-year durational limit set forth in article 9, S 6 of Michigan Constitution. But under section 13 of the DLEA, MCL 397.183 a district library may not levy more than 4 mills and any levy over two mills may be authorized only for a period not to exceed 20 years."

MLA cannot offer legal advice. However, it is our understanding that any millage over 2 mills cannot be longer than 20 years but 2 mills or under can be perpetual. We are seeking legal confirmation and will share additional information if it does not concur with our understanding of the law.

Libraries' NARCAN Legislation Takes on Greater Importance

Recently, the Senate Health Policy Committee took testimony on SB 828 and 829, which would provide liability protection for libraries when providing the life-saving opioid antidote naloxone, common brand name Narcan, to an overdosing patron. As a result of our testimony, the committee chair has requested legislation which would protect all public locations from liability including libraries. This may delay the legislation briefly but the broader implications for public safety are tremendous.

Kristin Shelley, MLA Legislative Committee Chair and MLA President-elect gave an excellent

overview of why the bills are needed. She also provided a heart wrenching story of a death that occurred at a library where she worked years ago. The committee heard first hand how a life might have been saved if naloxone had been available then.

Library of Michigan, the Michigan Department of Education and MLA have been working together to see this protection added for our libraries.

SB 828 and 829 would allow libraries and library employees or agents to purchase, possess, distribute or administer in good faith an opioid antagonist without possible subject to criminal prosecution. The law would provide immunity to libraries similar to that provided to public schools.

In response to the increasing number of heroin and opioid overdoses in libraries across the country, Representative Sean Patrick Maloney of New York introduced the Life-saving Librarians Act which directs the Secretary of Health and Human Services to establish a grant program to allow public libraries in High Intensity Drug Trafficking Areas to purchase naloxone rescue kits and/or provide training to enable employees to use naloxone rescue kits. These would likely be available to qualifying Michigan communities.

What do we know about the opioid crisis?

- 115 people die each day of opioid overdose.
- Roughly 21 to 29 percent of patients prescribed opioids for chronic pain misuse them.
- Between 8 and 12 percent develop an opioid use disorder
- An estimated 4 to 6 percent who misuse prescription opioids transition to heroin.
- Opioid overdoses increased 30 percent from July 2016 through September 2017 in 52 areas in 45 states.
- The Midwestern region saw opioid overdoses increase 70 percent from July 2016 through September 2017.
- Opioid overdoses in large cities increase by 54 percent in 16 states from July 2016 through September 2017.

Win for Net Neutrality

ALA recently reported the Senate voted 52-47 to pass legislation under the Congressional Review Act (CRA) to block the FCC's troubling December 2017 rollback of its 2015 net

neutrality rules. The passage of this resolution shows that this is an important issue for all Americans-including the thousands of members of the library community who have weighed in and asked lawmakers to step up for net neutrality.

The vote comes on the heels of news late Friday that the repeal of the 2015 net neutrality rules will officially take effect June 11. With the passage of the CRA in the Senate, action moves to the House, which must also vote on the CRA. We hope the House will follow the Senate's lead and pass this resolution quickly to undo the FCC's reckless and unpopular action. Already, 160 members of the House have signed on, and we expect more to follow in the coming days. You can help by continuing to tell your members of Congress (or thanking them!) that net neutrality is critical to the modern library and our communities through the ALA's action alert.

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