SENATE BILL No. 546

September 25, 2013, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

A bill to amend 1877 PA 164, entitled

"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,"

by amending sections 2, 3, 4, 5, 7, 9, 10, 10a, 10c, 11, 14, 15, and 16 (MCL 397.202, 397.203, 397.204, 397.205, 397.207, 397.209, 397.210, 397.210a, 397.210c, 397.211, 397.214, 397.215, and 397.216), section 2 as amended by 2000 PA 99, sections 10, 10a, and 10c as amended by 1994 PA 81, section 11 as amended by 2002 PA 160, and sections 14 and 16 as amended and section 15 as added by 1984 PA 128.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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,

- 1 appoint a GOVERNING board of 5 directors MEMBERS for the library
- 2 and reading room, chosen from the citizens at large, with reference
- 3 to their fitness for that office. Not more than 1 member of the
- 4 city council shall MAY be at any 1 time a member of the board AT
- 5 ANY 1 TIME.
- 6 (2) If a city council decides, after the first appointments
- 7 APPOINTMENT of the GOVERNING board of directors as provided in
- 8 UNDER subsection (1), that the purposes of the library and reading
- 9 room would be better served by a different number of members on the
- 10 appointed GOVERNING board, of directors, the city council may by
- 11 ordinance change the number of members to an odd number not less
- 12 than 5 or more than 9.
- 13 (3) The term of office for each member of the appointed
- 14 GOVERNING board of directors may be changed by ordinance to a term
- 15 of not less than 2 years or more than 5 years.
- 16 (4) Notwithstanding the provisions of section 3, if the term
- 17 of office is changed by ordinance by a city council, the term of
- 18 office for subsequent appointments by the mayor shall be the same
- 19 as prescribed by the ordinance.
- 20 Sec. 3. The offices of boards of directors heretofore
- 21 appointed BEFORE JULY 1, 1932 under this act, consisting of 9
- 22 members, are hereby declared vacant on EFFECTIVE July 1, 1932, and
- 23 a board of 5 directors MEMBERS to succeed them or a board of
- 24 directors of 5 members for a library newly established hereunder
- 25 UNDER THIS ACT shall be first appointed as follows: 1 director
- 26 MEMBER shall be appointed for a term of 5 years, 1 director MEMBER
- 27 shall be appointed for a term of 4 years, 1 director MEMBER shall

- 1 be appointed for a term of 3 years, 1 director MEMBER shall be
- 2 appointed for a term of 2 years, 1 director MEMBER shall be
- 3 appointed for a term of 1 year, and annually thereafter the mayor
- 4 shall appoint 1 member of such board of directors—for a term of 5
- 5 years. The mayor may, by and with the consent of the city council,
- 6 remove any director MEMBER for misconduct or neglect of duty.
- 7 Sec. 4. Vacancies—A VACANCY in the GOVERNING board of
- 8 directors occaisioned A LIBRARY OCCASIONED by removals, REMOVAL,
- 9 resignation, or otherwise, shall be reported to the city council τ
- 10 and be-filled in like-THE SAME manner as THE original appointments,
- 11 APPOINTMENT, and no director MEMBER shall receive compensation as
- 12 such.
- Sec. 5. Said directors THE GOVERNING BOARD OF A LIBRARY shall,
- 14 immediately after appointment, meet and organize, by the election
- 15 of 1 of their number 1 MEMBER AS president, and by the election of
- 16 such other officers as they may deem necessary. They THE GOVERNING
- 17 BOARD shall make and adopt such by laws, BYLAWS, rules, and
- 18 regulations for their ITS own guidance and for the government of
- 19 the library and reading room, as may be expedient, not inconsistent
- 20 CONSISTENT with this act. They shall have the THE GOVERNING BOARD
- 21 HAS exclusive control of the expenditure of all moneys MONEY
- 22 collected to the credit of the library fund, and of the
- 23 construction of any library building, and of the supervision, care,
- 24 and custody of the grounds, rooms, or buildings constructed,
- 25 leased, or set apart for that purpose. : Provided, That all moneys
- 26 ALL MONEY received for such-THE library shall be deposited in the
- 27 treasury of said THE city to the credit of the library fund, and

- 1 shall be kept separate and apart from other moneys MONEY of such
- 2 THE city, and drawn upon by the proper officers of said THE city 7
- 3 upon the properly authenticated vouchers of the library board. Said
- 4 THE GOVERNING board shall have power to MAY purchase or lease
- 5 grounds , to AND occupy, lease, or erect an appropriate building or
- 6 buildings for the use of said_THE library; shall have HAS THE power
- 7 to appoint a suitable librarian and necessary assistants —and fix
- 8 their compensation; and shall also have power to remove such
- 9 appointees. ; and THE GOVERNING BOARD shall , in general, carry out
- 10 the spirit and intent of this act in establishing and maintaining a
- 11 public library and reading room.
- 12 Sec. 7. The said GOVERNING board of directors APPOINTED UNDER
- 13 SECTION 2 shall make, at the end of each and every year from and
- 14 after the organization of such library, a ANNUALLY report to the
- 15 city council , stating the condition of their trust at the date of
- 16 such report the various sums of ON THE money received from the
- 17 library fund and from other sources, and how such moneys have THE
- 18 MONEY HAS been expended , and for what purposes; the number of
- 19 books and periodicals on hand; the number added by purchase, gift,
- 20 or otherwise during the year; the number lost or missing; the
- 21 number of visitors attending; the number of books loaned out, and
- 22 the general character and kind of such THOSE books; , with such AS
- 23 WELL AS other statistics, information, and suggestions as they may
- 24 deem of general interest. IT DEEMS APPROPRIATE. All such portions
- 25 of said THE report as THAT relate to the receipt and expenditure of
- 26 money, as well as the number of books on hand, books lost or
- 27 missing, and OR books purchased, shall be verified by affidavit.

- 1 Sec. 9. Any person desiring to make donations of DONATE money,
- 2 personal property, or real estate for the benefit of such A library
- 3 , shall have HAS the right to vest the title to money or real
- 4 estate so-donated in the-A GOVERNING board of directors created
- 5 under this act, to be held and controlled by such THAT board , when
- 6 accepted -according to the terms of the deed, gift, devise, or
- 7 bequest of such THE property. ; and as to such property, the said
- 8 THE GOVERNING board shall be held and considered to be A special
- 9 trustees.TRUSTEE OF MONEY, PERSONAL PROPERTY, OR REAL ESTATE
- 10 DONATED UNDER THIS SECTION.
- 11 Sec. 10. (1) Fifty voters of an incorporated village or
- 12 township may present to the clerk of the village or township a
- 13 petition asking that a tax be levied for the establishment of a
- 14 free public library in the village or township and specifying the
- 15 rate of taxation, not to exceed 2 mills on the dollar. The tax may
- 16 be of unlimited duration or the petition may specify the number of
- 17 years for which the tax shall be levied. The clerk, in the next
- 18 legal notice of the regular election in that village or township,
- 19 shall give notice that at the election every voter may vote on the
- 20 proposition including the rate and any duration of taxation for the
- 21 free public library.
- 22 (2) If the majority of all the votes cast in the village or
- 23 township is for the tax for a free public library, the tax
- 24 specified in the notice shall be levied and collected in the same
- 25 manner as other general taxes of that village or township for the
- 26 period, if any, specified in the petition, and shall be placed in a
- 27 fund known as the library fund.

- 1 (3) If a free public library is established and a GOVERNING
- 2 board of directors elected and qualified, that board, of directors,
- 3 on or before the first Monday of September in each year , if the
- 4 FOR A free public library is established by a township, and on or
- 5 before the second Monday in April , if the IN EACH YEAR FOR A free
- 6 public library is—established by an incorporated village, shall
- 7 prepare an estimate of the amount of money necessary for the
- 8 support and maintenance of the library for the ensuing year, not
- 9 exceeding 2 mills on the dollar of the taxable property of the
- 10 village or township. Unless any period specified in the petition
- 11 for the levy of the tax has expired, the GOVERNING board of
- 12 directors shall report the estimate to the assessor of the village
- 13 or the supervisor of the township for assessment and collection in
- 14 the same manner as other village or township taxes . The AND THE
- 15 tax shall be so assessed and collected. The A corporate authorities
- 16 AUTHORITY of the villages A VILLAGE or townships TOWNSHIP may
- 17 exercise the same powers conferred upon the corporate authorities
- 18 AUTHORITY of cities A CITY under this act.
- 19 (4) A library established under this section constitutes an
- 20 authority under section 6 of article IX of the state constitution
- **21** of 1963.
- Sec. 10a. (1) Fifty voters of a city may present to the clerk
- 23 of the city a petition asking that a tax be levied for the
- 24 establishment of a free public library in that city and specifying
- 25 a rate of taxation not to exceed 2 mills on the dollar. The tax may
- 26 be of unlimited duration or the petition may specify the number of
- 27 years for which the tax shall be levied. The clerk, in the next

- 1 legal notice of the regular election in that city, shall give
- 2 notice that at the election every voter may vote upon the
- 3 proposition. The notice shall specify the rate and any duration of
- 4 taxation mentioned in the petition.
- 5 (2) If a majority of all the votes cast in the city upon the
- 6 proposition is for the tax for a free public library, the tax
- 7 specified in the notice shall be levied and collected in the same
- 8 manner as other general taxes of that city for the period, if any,
- 9 specified in the petition, and shall be placed in a fund to be
- 10 known as the "library fund".
- 11 (3) If the free public library is established under this
- 12 section, and a GOVERNING board of directors—IS elected and
- 13 qualified as provided in section 11, the board, of directors on or
- 14 before the first Monday in September in each year, shall prepare an
- 15 estimate of the amount of money necessary for the support and
- 16 maintenance of the free public library for the ensuing year, not
- 17 exceeding TO EXCEED 2 mills on the dollar of the taxable property
- 18 of the city. Unless any period specified in the petition for the
- 19 levy of the tax has expired, the GOVERNING board of directors shall
- 20 report the estimate to the legislative body of the city. The
- 21 legislative body shall cause to be raised RAISE by tax upon the
- 22 taxable property in the city the amount of the estimate in the same
- 23 manner that other general taxes are raised in the city.
- 24 (4) A tax levied under this section shall be in addition to
- 25 any tax limitation imposed by a city charter.
- Sec. 10c. (1) If a city, village, or township has voted on,
- 27 approved, and established a library pursuant to this act and the

- 1 library GOVERNING board of directors by resolution determines that
- 2 the estimate of the amount of money necessary for the support and
- 3 maintenance of the library exceeds the previously authorized
- 4 millage or that, if the previously authorized millage was approved
- 5 for a specific number of years, the millage should be renewed, the
- 6 question of increasing the library millage to not more than 2 mills
- 7 or of renewing the millage shall be placed on the ballot for
- 8 approval at the next regular annual election for that city,
- 9 village, or township or at a special election for that city,
- 10 village, or township. The increase or renewal may be of unlimited
- 11 duration or the question may specify the number of years for which
- 12 the increase or renewal shall be levied. The costs of a special
- 13 election shall be paid from the library fund.
- 14 (2) If , before the effective date of the amendatory act that
- 15 added this subsection, a library millage was renewed in the manner
- 16 provided by subsection (1) BEFORE APRIL 11, 1994, that millage
- 17 renewal is hereby validated.
- 18 Sec. 11. (1) Immediately after a city, a village, or a
- 19 township has voted to establish a free public library, THE CITY,
- 20 VILLAGE, OR TOWNSHIP SHALL ESTABLISH a library GOVERNING board
- 21 shall be established by the city, village, or township as
- 22 prescribed PROVIDED in subsections (3) and (4).
- 23 (2) If a city, village, or township has a free public library
- 24 which THAT has not elected a library GOVERNING board, including a
- 25 city library and GOVERNING board of directors established under
- 26 sections 1 to 10, the city, village, or township shall establish a
- 27 library GOVERNING board as prescribed PROVIDED in subsections (3)

- 1 and (4).
- 2 (3) The legislative body of a city, village, or township
- 3 described in subsection (1) or (2) shall appoint a provisional
- 4 library GOVERNING board of 6 directors MEMBERS who shall hold
- 5 office until the next annual or biennial city, or village,
- 6 election, or township election , of a permanent library GOVERNING
- 7 board.
- 8 (4) A permanent library GOVERNING board shall be established
- 9 for a city, village, or township described in subsection (1) or (2)
- 10 as follows:
- 11 (a) In a city or village holding THAT HOLDS an annual
- 12 election, 6 directors MEMBERS shall be elected. The terms of 2 of
- 13 the directors MEMBERS shall be 1 year; the terms of 2 of the
- 14 directors MEMBERS shall be 2 years; and the terms of 2 of the
- 15 directors MEMBERS shall be 3 years. Each year thereafter, 2
- 16 directors MEMBERS shall be elected for 3-year terms.
- 17 (b) In a city or village that holds biennial elections, 6
- 18 directors MEMBERS shall be elected. The terms of 2 of the directors
- 19 MEMBERS shall be 2 years; the terms of 2 of the directors MEMBERS
- 20 shall be 4 years; and the terms of 2 of the directors MEMBERS shall
- 21 be 6 years. Biennially thereafter, 2 directors MEMBERS shall be
- 22 elected for 6-year terms.
- 23 (C) IN A CITY OR VILLAGE THAT HOLDS ELECTIONS FOR CITY OR
- 24 VILLAGE OFFICERS EVERY 4 YEARS, 6 MEMBERS SHALL BE ELECTED FOR 4-
- 25 YEAR TERMS.
- 26 (D) (c)—In a township holding—THAT HOLDS elections for
- 27 township officers every 4 years, 6 directors MEMBERS shall be

- 1 elected for 4-year terms. at the primary and general elections in
- 2 1984. A term of office shall not be shortened by this subdivision.
- 3 A director scheduled by this section before March 31, 1981, to be
- 4 elected at a time other than 1984 shall not be elected on the date
- 5 scheduled, but shall continue in office until a successor takes
- 6 office pursuant to the election of 1984.
- 7 (E) (d) The directors MEMBERS shall be nominated and elected
- 8 on nonpartisan ballots. A candidate for city, village, or township
- 9 library director GOVERNING BOARD MEMBER shall BE A QUALIFIED
- 10 ELECTOR OF THAT CITY, VILLAGE, OR TOWNSHIP AND SHALL file
- 11 nonpartisan nominating petitions bearing the signatures of a number
- 12 of registered and qualified electors of that city, village, or
- 13 township as follows:
- 14 (i) For a city, village, or township having a population of
- 15 9,999 or less, not less than 6 or more than 20 signatures.
- 16 (ii) For a city, village, or township having a population of
- 17 10,000 or more, not less than 40 or more than 100 signatures.
- 18 (F) (e)—In lieu of the nominating petitions prescribed in
- 19 subdivision $\frac{d}{d}$, (E), an individual may file with the clerk
- 20 conducting an election a \$100.00 nonrefundable fee to have his or
- 21 her name placed on the ballot.
- 22 (G) (f) The Michigan election law, 1954 PA 116, MCL 168.1 to
- 23 168.992, shall govern GOVERNS the circulation and filing of
- 24 nonpartisan nominating petitions and the conduct of nonpartisan
- 25 elections under this section. A NONPARTISAN ELECTION CONDUCTED
- 26 UNDER THIS SECTION SHALL BE HELD IN CONJUNCTION WITH THE CITY,
- 27 VILLAGE, OR TOWNSHIP'S NEXT REGULARLY SCHEDULED PRIMARY OR GENERAL

- 1 ELECTION.
- 2 (5) A director EXCEPT AS OTHERWISE PROVIDED IN THIS
- 3 SUBSECTION, A MEMBER shall hold office until a successor is elected
- 4 and qualified. THE OFFICE OF MEMBER BECOMES VACANT WHEN THE
- 5 INCUMBENT DIES, RESIGNS, IS CONVICTED OF A FELONY, IS REMOVED FROM
- 6 OFFICE BY THE GOVERNOR UNDER SECTION 10 OF ARTICLE V OF THE STATE
- 7 CONSTITUTION OF 1963, OR CEASES TO BE A QUALIFIED ELECTOR OF THE
- 8 CITY, VILLAGE, OR TOWNSHIP IN WHICH HE OR SHE WAS APPOINTED OR
- 9 ELECTED.
- 10 (6) A CITY OR VILLAGE library GOVERNING board shall fill a
- 11 vacancy in a directorship MEMBERSHIP by appointment of a person AN
- 12 INDIVIDUAL to hold office until the next REGULAR election AT WHICH
- 13 CITY OR VILLAGE OFFICERS ARE ELECTED. A TOWNSHIP LIBRARY GOVERNING
- 14 BOARD SHALL FILL A VACANCY IN A MEMBERSHIP BY APPOINTMENT OF AN
- 15 INDIVIDUAL TO HOLD OFFICE UNTIL THE NEXT GENERAL NOVEMBER ELECTION.
- 16 (7) A provisional or permanent library GOVERNING board has the
- 17 powers prescribed in section 5.
- 18 Sec. 14. (1) Upon receipt of a petition signed by not less
- 19 than 10% of the electors in any township based on the highest vote
- 20 cast at the last regular election for township officers of the
- 21 township, addressed to the township board, requesting that a
- 22 meeting be called of the electors in the township, to consider
- 23 making a contract with any township, city, or village supporting
- 24 and maintaining a free public circulating library and reading room
- 25 under this act, or under any special act, for the use of its
- 26 privileges by the residents of the township, the township board
- 27 shall call a meeting of the electors of the township by posting

- 1 notices A NOTICE in at least 5 public places within the township
- 2 not less than 10 days before the meeting. The electors present at
- 3 the meeting shall determine whether the township shall enter into a
- 4 contract for the use of a free public circulating library and
- 5 reading room in any township, city, or village and the rate of
- 6 taxation to be levied for the purpose of paying for that use if the
- 7 electors decide to enter into such a contract. However, a tax so
- 8 levied shall not exceed 1 mill of the state equalized valuation of
- 9 the township. If a majority of those present and voting are in
- 10 favor of the township contracting for the use of a free public
- 11 circulating library and reading room maintained in any township,
- 12 city, or village, the township board may enter into a contract and
- 13 shall levy and collect the tax provided for in this subsection,
- 14 which tax when collected shall be placed in a fund to be known as
- 15 the "library fund". The money in the library fund shall be paid
- 16 over by the township treasurer to the treasurer of the township,
- 17 city, or village in which the library is located —on the first day
- 18 of January, February, and March of each year, to be disbursed
- 19 subject to the provisions of UNDER section 5. This subsection is
- 20 not a limitation on the contractual power of a legislative body of
- 21 a city, village, or township under section 13.
- 22 (2) Notwithstanding any contrary provision in a township,
- 23 city, or village charter, the library GOVERNING board of directors
- 24 A LIBRARY of a township, city, or village supporting and
- 25 maintaining a free public circulating library and reading room
- 26 under this act, or under any special act, may enter into a contract
- 27 with another township, city, or village to permit PROVIDE the

- 1 residents of that other township, city, or village WITH the full
- 2 use of the library and reading room, upon terms and conditions to
- 3 be agreed upon between the library GOVERNING board of directors THE
- 4 LIBRARY and the legislative body of the other township, city, or
- 5 village. A contract entered into pursuant to UNDER this subsection
- 6 shall be executed for a term of 3 years, shall be automatically
- 7 extended for an indefinite term after the initial 3-year period,
- 8 and shall be terminable by either party only on the giving of UPON
- 9 6 months' notice of the intent to terminate the contract.
- 10 Sec. 15. (1) In a county which THAT does not have a county
- 11 library established under Act No. 138 of the Public Acts of 1917,
- 12 being sections 397.301 to 397.305 of the Michigan Compiled Laws,
- 13 1917 PA 138, MCL 397.301 TO 397.305, or counties in which the
- 14 population exceeds 1,000,000, a contract for use of library
- 15 services under section 13 may provide for joint representation on
- 16 the library GOVERNING board. of directors. A joint library
- 17 GOVERNING board shall not have more than 9 directors.MEMBERS.
- 18 (2) A contract for use of library services that provides for
- 19 joint representation may provide that a director MEMBER serving on
- 20 a library GOVERNING board on the day before the establishment of a
- 21 joint library GOVERNING board shall become a director MEMBER of the
- 22 joint library GOVERNING board and shall serve out the balance of
- 23 his or her unexpired term.
- 24 (3) A contract for the use of library services shall specify
- 25 all of the following:
- 26 (a) Whether those directors MEMBERS added to an existing
- 27 library GOVERNING board to create a joint library GOVERNING board

- 1 are elected or appointed.
- 2 (b) The method of election or appointment of those directors
- 3 MEMBERS added to an existing library GOVERNING board to create a
- 4 joint library GOVERNING board.
- 5 (c) Lengths of terms of office of those directors MEMBERS
- 6 added to an existing library GOVERNING board to create a joint
- 7 library GOVERNING board. The terms of the added directors MEMBERS
- 8 shall be staggered. If a contract establishing a joint library
- 9 GOVERNING board is terminated, the terms of all added directors
- 10 shall MEMBERS end on the date of termination.
- 11 (d) The method of removal of, and the causes upon which
- 12 removal may be based for, a director MEMBER added to an existing
- 13 library GOVERNING board to create a joint library GOVERNING board.
- 14 (e) The method of filling a vacancy in the office of a
- 15 director MEMBER added to an existing library GOVERNING board to
- 16 create a joint library GOVERNING board. A vacancy shall be filled
- 17 for the balance of the unexpired term.
- 18 (f) Any other provision which THAT is considered necessary or
- 19 advisable.
- 20 (4) Selection, length of terms, manner of filling vacancies,
- 21 and removal of the directors MEMBERS of the existing library
- 22 GOVERNING board who become directors MEMBERS on the joint library
- 23 GOVERNING board shall continue to be ARE governed by state law or
- 24 by the township, city, or village charter.
- 25 (5) If a contract for use of library services that provides
- 26 for joint representation does not provide that directors MEMBERS on
- 27 the existing GOVERNING board become directors MEMBERS on the joint

- 1 library GOVERNING board, the offices of the directors MEMBERS of
- 2 the existing GOVERNING board shall be vacated on the date the joint
- 3 GOVERNING board assumes jurisdiction and the contract shall include
- 4 those THE provisions required by subsection (3), which shall apply
- 5 to the entire joint library GOVERNING board.
- 6 (6) A joint library GOVERNING board established under this
- 7 section has the same powers and duties as a city library GOVERNING
- 8 board OF A LIBRARY under sections 5 to 7.
- 9 Sec. 16. After fulfilling the contractual requirements, the
- 10 people of a township, village, or city which THAT has contracted
- 11 for library services with another township, village, or city shall
- 12 have all rights in the use and benefits of the library that they
- 13 would have if they lived in the township, village, or city where
- 14 the library is established, subject to uniform rules and
- 15 regulations established by the GOVERNING board. of library
- 16 directors.