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BILL ANALYSIS

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Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

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House Bill 5192 (as reported with amendments)

Sponsor: Representative Frank Fitzgerald

House Committee: Urban Affairs

Senate Committee: Local Government and Veterans

Mich. State Law Library

Date Completed: 6-8-88

RATIONALE

Public Act 164 of 1955 allows municipal governing or legislative bodies to establish district libraries and to appoint or elect members to the library board of trustees. Although members of these boards may be reimbursed for expenses incurred in performing official duties, the Act specifies that these members must serve without compensation. Some municipalities reportedly have had difficulty in attracting people to serve on these boards without compensation. Thus, some people believe that local governments should be allowed to compensate members.

CONTENT

The bill would amend Public Act 164 of 1955 to permit a library governing board to pay each member of the board compensation for attending meetings of the board and for the actual and necessary expenses that the member incurred in the performance of official duties. (Currently, a library governing board may pay each board member the actual and necessary expenses incurred by the member in performance of official duties. The Act requires that these payments conform to the per diem compensation of the local governing body and the reimbursement schedule for expenses established annually by the Legislature.)

The bill would delete the current provision that requires a board member to serve without compensation. In addition, the bill would delete the provision that payments must conform to the per diem compensation of the local governing body and the reimbursement schedule of expenses established annually by the Legislature.

MCL 397.273

SENATE COMMITTEE ACTION

The Senate Committee on Local Government and Veterans adopted amendments to the bill to permit a library governing board, itself, to compensate each member for attending meetings. This would be in addition to the board's paying for expenses resulting from the performance of duties, as now allowed in the Act. The version of House Bill 5192 passed by the House of Representatives would have allowed the governing or legislative body of each municipality participating in a district library to compensate a library board member, who was a resident of the municipality, for attendance at meetings as well as paying for necessary expenses.

FISCAL IMPACT

House Bill 5192 would result in an indeterminate expenditure increase for local governments. The extent of

the increase depends on how many local governments chose to compensate for their services members of library boards.

ARGUMENTS**Supporting Argument**

The bill would allow library boards to compensate their members for attending meetings, which would make serving on these boards more attractive. Furthermore, the bill would not be setting a precedent since members of other local boards—such as school boards, township and county zoning boards, as well as township, municipal and county planning commissions—are compensated for attending meetings.

Opposing Argument

Serving on library boards traditionally has been regarded as voluntary public service. While board members should be paid for actual and necessary expenses resulting from this service, it should not be necessary to provide people with an incentive for the opportunity to serve their community.

Legislative Analyst: L. Arasim

Fiscal Analyst: G. Olson

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

H.B. 5192 (6-8-88)