

SUBSTITUTE FOR
HOUSE BILL NO. 4940

A bill to amend 1982 PA 540, entitled
"Library of Michigan act,"
by amending the title and sections 2, 3, 4, 5, 6, 7, 10, and 11
(MCL 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, 397.20, and
397.21), the title and sections 2, 4, and 6 as amended by 1995 PA
190 and sections 3, 5, 7, and 10 as amended by 1983 PA 114, and
by adding section 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2 An act to create the library of Michigan; to create a board
3 of trustees for the library; to establish the qualifications of
4 the state librarian; to provide the powers and duties of the
5 board of trustees, the ~~legislative council, the council~~
6 ~~administrator, the director of the legislative service bureau~~
7 DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES, the state librarian,

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1 and certain state officials and agencies; and to repeal acts and
2 parts of acts.

3 Sec. 2. As used in this act:

4 (a) "Board" means the board of trustees of the library cre-
5 ated in section 4.

6 ~~(b) "Council" means the legislative council established~~
7 ~~under section 15 of article IV of the state constitution of~~
8 ~~1963.~~

9 ~~(c) "Council administrator" means that term as defined in~~
10 ~~section 102 of the legislative council act, Act No. 268 of the~~
11 ~~Public Acts of 1986, being section 4.1102 of the Michigan~~
12 ~~Compiled Laws.~~

13 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND
14 LIBRARIES.

15 (C) ~~(d)~~ "Library" means the library of Michigan.

16 (D) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
17 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
18 24.328.

19 Sec. 3. The library of Michigan is created within the
20 ~~legislative council~~ DEPARTMENT.

21 Sec. 4. (1) A board of trustees of the library is created
22 within the ~~legislative branch of state government~~ DEPARTMENT.
23 The board ~~shall make budget recommendations to the council to be~~
24 ~~submitted to the house and senate appropriations committees as~~
25 ~~part of the total budget recommendations for the legislative~~
26 ~~council, and~~ shall make recommendations to the ~~council~~
27 DEPARTMENT on the following matters:

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- 1 (a) The services the library shall provide.
- 2 (b) The manner in which the services shall be provided.
- 3 (c) Other matters of general policy concerning the library.
- 4 (D) THE BUDGET FOR THE LIBRARY.
- 5 (E) PROPOSED RULES GOVERNING OPERATIONS OF THE LIBRARY.
- 6 (2) The board shall meet not less than 3 times per year,
- 7 including a meeting to be held in January of each year. The
- 8 board shall meet also at the call of the chairperson of the
- 9 board.
- 10 (3) The board shall consist of the following:
- 11 ~~—(a) Four legislators appointed by the council, 1 from the~~
- 12 ~~majority party and 1 from the minority party in each house.—~~
- 13 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
- 14 REPRESENTATIVES.
- 15 (B) ONE MEMBER APPOINTED BY THE HOUSE OF REPRESENTATIVES
- 16 MINORITY LEADER.
- 17 (C) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.
- 18 (D) ONE MEMBER APPOINTED BY THE SENATE MINORITY LEADER.
- 19 (E) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.
- 20 (F) ~~—(b)—~~ A representative of the Michigan library
- 21 association, ~~to be~~ appointed by the governor from a list of 3
- 22 persons nominated by the Michigan library association.
- 23 (G) ~~—(c)—~~ Two members of the general public who represent
- 24 users of the state library, ~~to be~~ appointed by the governor.
- 25 (H) ~~—(d)—~~ One member who is a librarian from a college or
- 26 university library, ~~to be~~ appointed by the governor.

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1 (I) ~~(e)~~ One member who is a librarian from a public or
2 private K to 12 system, ~~to be~~ appointed by the governor.

3 (J) ~~(f) Two members~~ ONE MEMBER who ~~are librarians~~ IS A
4 LIBRARIAN from A public ~~libraries to be~~ LIBRARY, appointed by
5 the governor.

6 (K) ~~(g)~~ One member who is a librarian from a special
7 library, ~~to be~~ appointed by the governor.

8 ~~(h) One member who is a librarian from a state agency~~
9 ~~library to be appointed by the governor.~~

10 (l) ~~(i)~~ The chief justice of the supreme court or ~~a~~ HIS
11 OR HER designee. ~~of the supreme court.~~

12 ~~(j) The council administrator.~~

13 (4) ~~Members~~ A MEMBER OF THE BOARD appointed ~~to the board~~
14 ~~by the council~~ UNDER SUBSECTION (3)(A) TO (D) shall hold office
15 for a term of 2 years to coincide with the ~~terms~~ TERM of office
16 of state ~~representatives~~ REPRESENTATIVE. Members appointed to
17 the board by the governor UNDER SUBSECTION (3) shall hold office
18 for a term of 3 years except that of the members first appointed,
19 3 shall be appointed for 3 years, ~~3~~ 2 for 2 years, and ~~3~~ 2
20 for 1 year.

21 (5) The board shall prescribe rules for its own procedure.
22 Annually, the board shall elect from its membership a chairperson
23 and vice-chairperson. Members shall serve without compensation
24 but shall be entitled to reasonable and necessary expenses
25 incurred in the discharge of their duties.

26 (6) The state librarian shall serve as secretary of the
27 board.

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1 Sec. 5. The ~~council~~ GOVERNOR, in consultation with the
2 board, shall appoint a state librarian who shall serve at the
3 pleasure of the ~~council~~ GOVERNOR.

4 Sec. 6. (1) The state librarian shall have care and charge
5 of the library ~~,~~ AND the administrative functions of the
6 library. ~~,~~ and all budgeting functions of the library. The
7 ~~council administrator~~ DIRECTOR OF THE DEPARTMENT and THE state
8 librarian shall coordinate the activities of the library with the
9 ~~legislative council~~ DEPARTMENT.

10 (2) The state librarian shall be a graduate with a master's
11 degree in library science and shall have not less than 4 years'
12 experience in library work in an administrative capacity. Each
13 assistant state librarian shall be a graduate with a master's
14 degree in library science.

15 Sec. 7. (1) The ~~council~~ DEPARTMENT, after consultation
16 with the board, may permit the state librarian to employ other
17 administrative and general assistants and employees as are neces-
18 sary for the care and management of the library, including the
19 law library branch of the library. Employment shall be offered
20 first to those persons who are employed by the state library on
21 March 30, 1983. No library employee shall convert for personal
22 or partisan use, unrelated to library business, any supplies,
23 services, facilities or staff provided by the state. ~~of~~
24 ~~Michigan.~~ Nor may a library employee be required to work during
25 paid or unpaid time to affect the result of an election.

26 (2) [FULL-TIME EQUATED POSITIONS] OF THE LIBRARY ON THE
EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE TRANSFERRED TO

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1 THE DEPARTMENT IN ACCORDANCE WITH THE DEPARTMENT OF CIVIL SERVICE
2 RULES AND SHALL BE ASSUMED INTO THE CLASSIFIED SERVICE.

3 Sec. 10. (1) The library shall maintain a complete collec-
4 tion of the public documents deposited under section 9 as a per-
5 manent reference file. The library is charged primarily with
6 providing reference services to the legislative branch of state
7 government and, in addition, shall provide those services to the
8 executive and judicial branches of state government and the gen-
9 eral public. The law library branch is charged primarily with
10 providing reference services to the legislative, executive, and
11 judicial branches of state government.

12 (2) The library shall deposit copies of each public document
13 deposited under section 9 in each designated depository library.
14 The depository libraries shall be designated by the state
15 librarian. The state librarian shall designate only those
16 libraries which will keep the documents readily accessible for
17 use and which will render assistance for the use of the documents
18 without charge.

19 (3) The library also shall DO ALL OF THE FOLLOWING:

20 (a) Send 1 copy of each public document deposited under sec-
21 tion 9 to the library of congress.

22 (b) Prepare and issue quarterly, a complete list of public
23 documents deposited under section 9 during the immediately pre-
24 ceding quarter. The lists shall be cumulated and printed at the
25 end of each calender year. A copy shall be distributed by the
26 library to state departments, legislators, and to public and
27 college libraries within the state.

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1 (c) Establish a document exchange system with agencies in
2 other states to make available selected documents published by
3 other states for use by the people of this state.

4 (d) Exchange the judicial decisions, statutes, journals,
5 legislative and executive documents of this state, and other
6 books placed in the care of the library for the purpose of
7 exchange with the libraries of other states, the government of
8 the United States, foreign countries, and societies and
9 institutions.

10 (e) Sell or exchange duplicate volumes or sets of works not
11 needed for use in the library and apply the proceeds to the pur-
12 chase of other books for the library.

13 (f) Further, by all appropriate means, the development of
14 effective, statewide school library services.

15 (g) Encourage contractual and cooperative arrangements
16 between and among all kinds of libraries for the improvement of
17 library services to the people of this state.

18 (h) Coordinate the library's library services with the
19 library services of all kinds of libraries.

20 (i) Collect, preserve, and publish appropriate statistics on
21 all kinds of libraries in the state.

22 (j) Conduct research and publish the results for the benefit
23 of all kinds of libraries and the library services to the people
24 of the state.

25 (k) Provide all services which the state library was autho-
26 rized to provide immediately preceding ~~the effective date of~~
27 ~~this act~~ MARCH 30, 1983.

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1 (l) Under the authority granted by law, promote and advance
2 library science in this state.

[(4) THE LEGISLATIVE COUNCIL SHALL MAINTAIN A WEBSITE
CONTAINING INFORMATION, DOCUMENTS, AND OTHER DATA GENERATED BY THE
LEGISLATURE OR A LEGISLATIVE COUNCIL AGENCY. THE LIBRARY SHALL
PROVIDE COPIES TO THE LEGISLATIVE COUNCIL ANY DOCUMENTS OR
INFORMATION IN THE POSSESSION OF THE LIBRARY REQUESTED BY THE
LEGISLATIVE COUNCIL THAT WILL ASSIST THE LEGISLATIVE COUNCIL IN
CARRYING OUT ITS RESPONSIBILITIES UNDER THIS SUBSECTION.]

3 SEC. 10A. THE DEPARTMENT, IN CONSULTATION WITH THE BOARD,
4 MAY PROMULGATE RULES RELATED TO THE OPERATIONS OF THE LIBRARY.

5 Sec. 11. The state librarian shall report annually to the
6 ~~council~~ GOVERNOR and to the legislature on the operations of
7 the library and on the progress made in automating the operations
8 of the library.