

HB 4940, As Passed Senate, July 12, 2001

**SENATE 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 sections 10a and 12.

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,

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940

2

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:

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940

3

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.

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940

4

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.

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940

5

1 Sec. 5. The ~~council~~ GOVERNOR, in consultation with the
2 board AND WITH THE ADVICE AND CONSENT OF THE SENATE, shall
3 appoint a state librarian who shall serve at the pleasure of the
4 ~~council~~ GOVERNOR.

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

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

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

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940 as amended July 12, 2001

6

1 (2) SUBJECT TO SUBSECTION (3), EMPLOYEES OF THE LIBRARY ON THE
EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE TRANSFERRED TO
3 THE DEPARTMENT IN ACCORDANCE WITH THE DEPARTMENT OF CIVIL SERVICE
4 RULES AND SHALL BE ASSUMED INTO THE CLASSIFIED SERVICE.

(3) THE TRANSFER OF EMPLOYEES UNDER SUBSECTION (2) SHALL NOT
INCLUDE 9 EMPLOYEES FROM THE MICHIGAN LIBRARY AND HISTORICAL CENTER
OPERATIONS AND 3 EMPLOYEES FROM THE LIBRARY'S COMPUTER WEBSITE STAFF
OPERATIONS. EMPLOYEES WHO ARE NOT TRANSFERRED UNDER THIS SUBSECTION
SHALL REMAIN EMPLOYEES OF THE LEGISLATIVE COUNCIL.

5 Sec. 10. (1) The library shall maintain a complete collec-
6 tion of the public documents deposited under section 9 as a per-
7 manent reference file. The library is charged primarily with
8 providing reference services to the legislative branch of state
9 government and, in addition, shall provide those services to the
10 executive and judicial branches of state government and the gen-
11 eral public. The law library branch is charged primarily with
12 providing reference services to the legislative, executive, and
13 judicial branches of state government. UPON REQUEST OF A MEMBER
14 OF THE LEGISLATURE, THE LIBRARY SHALL PROVIDE IN A TIMELY MANNER TO
THAT INDIVIDUAL
15 COPIES OF ANY INFORMATION, DOCUMENTS, OR OTHER DATA, INCLUDING
16 THE MICHIGAN COMPILED LAWS, THAT ARE GENERATED OR PRODUCED BY THE
17 LEGISLATURE OR LEGISLATIVE COUNCIL AGENCIES AND ALL OTHER
INFORMATION, DOCUMENTS, OR OTHER DATA THAT ARE IN THE
18 POSSESSION OF THE LIBRARY.

19 (2) The library shall deposit copies of each public document
20 deposited under section 9 in each designated depository library.
21 The depository libraries shall be designated by the state
22 librarian. The state librarian shall designate only those
23 libraries which will keep the documents readily accessible for
24 use and which will render assistance for the use of the documents
25 without charge.

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

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940

7

1 (a) Send 1 copy of each public document deposited under
2 section 9 to the library of congress.

3 (b) Prepare and issue quarterly, a complete list of public
4 documents deposited under section 9 during the immediately pre-
5 ceding quarter. The lists shall be cumulated and printed at the
6 end of each calender year. A copy shall be distributed by the
7 library to state departments, legislators, and to public and col-
8 lege libraries within the state.

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

12 (d) Exchange the judicial decisions, statutes, journals,
13 legislative and executive documents of this state, and other
14 books placed in the care of the library for the purpose of
15 exchange with the libraries of other states, the government of
16 the United States, foreign countries, and societies and
17 institutions.

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

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

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

26 (h) Coordinate the library's library services with the
27 library services of all kinds of libraries.

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940 as amended July 12, 2001

8

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

3 (j) Conduct research and publish the results for the benefit
4 of all kinds of libraries and the library services to the people
5 of the state.

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

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

11 (M) SEEK GRANTS TO EXTEND OR ENHANCE LIBRARY SERVICES.

12 (4) THE LEGISLATIVE COUNCIL SHALL MAINTAIN A WEBSITE CON-
13 TAINING INFORMATION, DOCUMENTS, AND OTHER DATA GENERATED BY THE
14 LEGISLATURE OR LEGISLATIVE COUNCIL AGENCIES. ON THE EFFECTIVE
15 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE
16 LIBRARY SHALL DO BOTH OF THE FOLLOWING:

17 (A) TRANSFER OWNERSHIP OF ALL COMPUTER HARDWARE AND SOFTWARE
18 DIRECTLY OR INDIRECTLY ASSOCIATED WITH THE
19 MICHIGANLEGISLATURE.ORG WEBSITE TO THE LEGISLATIVE COUNCIL.

20 (B) TRANSFER OWNERSHIP OF THE INTERNET DOMAIN NAME
21 "MICHIGANLEGISLATURE.ORG" TO THE LEGISLATIVE COUNCIL.

22 (5) UPON REQUEST OF THE LEGISLATIVE COUNCIL, THE LIBRARY
23 SHALL PROVIDE TO THE LEGISLATIVE COUNCIL COPIES OF ANY INFORMA-
24 TION, DOCUMENTS, OR OTHER DATA, INCLUDING THE MICHIGAN COMPILED
25 LAWS DATABASE, GENERATED OR PRODUCED BY THE LEGISLATURE OR LEGIS-
26 LATIVE COUNCIL AGENCIES THAT WILL ASSIST THE LEGISLATIVE COUNCIL
27 IN CARRYING OUT ITS RESPONSIBILITIES UNDER SUBSECTION (4).

(6) ON OCTOBER 1, 2001, MONEY APPROPRIATED FOR THE FISCAL YEAR
ENDING SEPTEMBER 30, 2002, NECESSARY FOR THE OPERATION OF THE
MICHIGANLEGISLATURE.ORG WEBSITE AND TO FUND THE POSITIONS THAT ARE
RETAINED BY THE LEGISLATIVE COUNCIL IN SECTION 7(3) SHALL BE
TRANSFERRED TO THE LEGISLATIVE COUNCIL.

HB 4940, As Passed Senate, July 12, 2001

House Bill No. 4940 as amended July 12, 2001

9

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

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

SEC. 12. EXCEPT FOR THE MONEY TRANSFERRED IN SECTION 7
SUBSECTION (6). THE APPROPRIATION FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2002 IN SENATE BILL NO. 234 OF THE 91ST LEGISLATURE TO
THE LIBRARY OF MICHIGAN IS HEREBY TRANSFERRED TO THE DEPARTMENT OF
HISTORY, ARTS, AND LIBRARIES FOR THE FISCAL YEAR ENDING SEPTEMBER
30, 2002. AND SHALL BE UNDER THE ADMINISTRATIVE CONTROL OF THE
DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES SUBJECT TO ALL THE
PROVISIONS OF SENATE BILL NO. 234.

Enacting section 1. This amendatory act takes effect October 1,
2001.