

HOUSE BILL No. 4940

June 13, 2001, Introduced by Reps. George, Voorhees and Tabor and referred to the Committee on Commerce.

A bill to amend 1982 PA 540, entitled "Library of Michigan act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 10 (MCL 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, and 397.20), 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 to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1
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 CULTURE, the state librarian,

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 CULTURE.

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

16 Sec. 3. The library of Michigan is created within the
17 ~~legislative council~~ DEPARTMENT.

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

25 (a) The services the library shall provide.

26 (b) The manner in which the services shall be provided.

1 (c) Other matters of general policy concerning the library.

2 (2) The board shall meet not less than 3 times per year,
3 including a meeting to be held in January of each year. The
4 board shall meet also at the call of the chairperson of the
5 board.

6 (3) The board shall consist of the following:

7 ~~(a) Four legislators appointed by the council, 1 from the~~
8 ~~majority party and 1 from the minority party in each house.~~

9 ~~(b) A representative of the Michigan library association to~~
10 ~~be appointed by the governor from a list of 3 persons nominated~~
11 ~~by the Michigan library association.~~

12 ~~(c) Two members of the general public who represent users of~~
13 ~~the state library to be appointed by the governor.~~

14 ~~(d) One member who is a librarian from a college or univer-~~
15 ~~sity library to be appointed by the governor.~~

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

18 ~~(f) Two members who are librarians from public libraries to~~
19 ~~be appointed by the governor.~~

20 ~~(g) One member who is a librarian from a special library to~~
21 ~~be appointed by the governor.~~

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

24 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
25 REPRESENTATIVES.

26 (B) ONE MEMBER APPOINTED BY THE HOUSE OF REPRESENTATIVES
27 MINORITY LEADER.

1 (C) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

2 (D) ONE MEMBER APPOINTED BY THE SENATE MINORITY LEADER.

3 (E) ~~-(i)-~~ The chief justice of the supreme court or ~~-a-~~ HIS
4 OR HER designee. ~~-of the supreme court.-~~

5 ~~-(j)- The council administrator.~~

6 (F) FOUR MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE
7 GOVERNOR.

8 (4) Members appointed to the board ~~by the council~~ UNDER
9 SUBSECTION (3)(A) TO (E) shall hold office for a term of 2 years
10 to coincide with the terms of office of state representatives.
11 Members appointed to the board by the governor UNDER SUBSECTION
12 (3)(F) shall hold office for a term of 3 years except that of the
13 members first appointed, ~~-3-~~ 2 shall be appointed for 3 years,
14 ~~-3-~~ 1 for 2 years, and ~~-3-~~ 1 for 1 year.

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

20 (6) The state librarian shall serve as secretary of the
21 board.

22 Sec. 5. ~~The council, in consultation with the board, shall~~
23 ~~appoint a state librarian who shall serve at the pleasure of the~~
24 ~~council.~~ THE STATE LIBRARIAN SHALL BE APPOINTED BY THE GOVERNOR
25 AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

26 Sec. 6. (1) The state librarian shall have care and charge
27 of the library ~~—,~~ AND the administrative functions of the

1 library. ~~, and all budgeting functions of the library. The~~
2 ~~council administrator and state librarian shall coordinate the~~
3 ~~activities of the library with the legislative council.~~

4 (2) The state librarian shall be a graduate with a master's
5 degree in library science and shall have not less than 4 years'
6 experience in library work in an administrative capacity. Each
7 assistant state librarian shall be a graduate with a master's
8 degree in library science.

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

20 (2) EMPLOYEES OF THE LIBRARY ON THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE TRANSFERRED TO
22 THE DEPARTMENT IN ACCORDANCE WITH THE DEPARTMENT OF CIVIL SERVICE
23 RULES AND SHALL BE ASSUMED INTO THE CLASSIFIED SERVICE.

24 Sec. 10. (1) The library shall maintain a complete collec-
25 tion of the public documents deposited under section 9 as a per-
26 manent reference file. The library is charged primarily with
27 providing reference services to the legislative, ~~branch of state~~

1 ~~government and, in addition, shall provide those services to the~~
2 executive, and judicial branches of state government, and the
3 general public. The law library branch is charged primarily with
4 providing reference services to the legislative, executive and
5 judicial branches of state government.

6 (2) The library shall deposit copies of each public document
7 deposited under section 9 in each designated depository library.
8 The depository libraries shall be designated by the state
9 librarian. The state librarian shall designate only those
10 libraries which will keep the documents readily accessible for
11 use and which will render assistance for the use of the documents
12 without charge.

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

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

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

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

25 (d) Exchange the judicial decisions, statutes, journals,
26 legislative and executive documents of this state, and other
27 books placed in the care of the library for the purpose of

1 exchange with the libraries of other states, the government of
2 the United States, foreign countries, and societies and
3 institutions.

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

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

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

12 (h) Coordinate the library's library services with the
13 library services of all kinds of libraries.

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

16 (j) Conduct research and publish the results for the benefit
17 of all kinds of libraries and the library services to the people
18 of the state.

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

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

24 Enacting section 1. Section 11 of the library of Michigan
25 act, 1982 PA 540, MCL 397.21, is repealed.