

SENATE BILL NO. 1142

May 19, 1998, Introduced by Senator JAYE and referred to the
Committee on Local, Urban and State Affairs.

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,"

by amending sections 11 and 12 (MCL 397.211 and 397.212), section
11 as amended by 1988 PA 432 and section 12 as amended by 1982 PA
286.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Immediately after a city, a village, or a
2 township has voted to establish a free public library, a library
3 board shall be established by the city, village, or township as
4 prescribed in ~~subsections~~ SUBSECTION (3). ~~and (4).~~

5 (2) If a city, village, or township has a free public
6 library which has not elected a library board, including a city
7 library and board of directors established under sections 1 to

1 10, the city, village, or township shall establish a library
2 board as prescribed in ~~subsections~~ SUBSECTION (3). ~~and (4).~~

3 ~~(3) The legislative body of a city, village, or township~~
4 ~~described in subsection (1) or (2) shall appoint a provisional~~
5 ~~library board of 6 directors who shall hold office until the next~~
6 ~~annual or biennial city or village election, or township elec-~~
7 ~~tion, of a permanent library board.~~

8 (3) ~~(4)~~ A ~~permanent~~ library board shall be established
9 for a city, village, or township described in subsection (1) or
10 (2) as follows:

11 (a) In a city or village holding an annual election, 6
12 directors shall be elected. The terms of 2 of the directors
13 shall be 1 year; the terms of 2 of the directors shall be 2
14 years; and the terms of 2 of the directors shall be 3 years.
15 Each year thereafter, 2 directors shall be elected for 3-year
16 terms.

17 (b) In a city or village that holds biennial elections, 6
18 directors shall be elected. The terms of 2 of the directors
19 shall be 2 years; the terms of 2 of the directors shall be 4
20 years; and the terms of 2 of the directors shall be 6 years.
21 Biennially thereafter, 2 directors shall be elected for 6-year
22 terms.

23 (c) In a township holding elections for township officers
24 every 4 years, 6 directors shall be elected for 4-year terms at
25 the primary and general elections in ~~1984~~ 1996 AND EVERY FOURTH
26 YEAR THEREAFTER. A term of office shall not be shortened by this
27 subdivision. ~~A director scheduled by this section before~~

1 ~~March 31, 1981, to be elected at a time other than 1984 shall not~~
2 ~~be elected on the date scheduled, but shall continue in office~~
3 ~~until a successor takes office pursuant to the election of 1984.~~

4 (d) The directors shall be nominated and elected on nonpar-
5 tisan ballots. A candidate for city, village, or township
6 library director shall file nonpartisan nominating petitions
7 bearing the signatures of a number of registered and qualified
8 electors of that city, village, or township equal to not less
9 than 1% of the total number of votes cast for the chief elected
10 officer of that city, village, or township in the last election
11 in which the officer was elected. The Michigan election law,
12 ~~Act No. 116 of the Public Acts of 1954, being sections 168.1 to~~
13 ~~168.992 of the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO
14 168.992, shall govern the circulation and filing of nonpartisan
15 nominating petitions and the conduct of nonpartisan elections
16 under this section.

17 (4) ~~(5)~~ A director shall hold office until a successor is
18 elected and qualified.

19 (5) ~~(6)~~ A library board shall fill a vacancy in a direc-
20 torship by appointment of a person to hold office until the next
21 election.

22 (6) ~~(7)~~ A ~~provisional or permanent~~ library board has the
23 powers prescribed in section 5.

24 Sec. 12. Except as otherwise provided in section 10b,
25 ~~sections~~ SECTION 10a ~~and 11 do~~ DOES not apply to a city, vil-
26 lage, or township maintaining a public library under a special
27 act or to a public library contained in the 1979 statement

1 prepared by the state board for libraries pursuant to section 8
2 of ~~Act No. 59 of the Public Acts of 1964, being section 397.38~~
3 ~~of the Michigan Compiled Laws~~ 1964 PA 59, MCL 397.38. However,
4 an existing public library may, by petition, be organized under
5 section 10a regardless of the library's original organization.