



# HOUSE BILL No. 5409

November 9, 1995, Introduced by Rep. Jaye and referred to the Committee on Local Government.

A bill to amend sections 11 and 12 of Act No. 164 of the Public Acts of 1877, entitled as amended

"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,"

section 11 as amended by Act No. 432 of the Public Acts of 1988 and section 12 as amended by Act No. 286 of the Public Acts of 1982, being sections 397.211 and 397.212 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 11 and 12 of Act No. 164 of the Public  
2 Acts of 1877, section 11 as amended by Act No. 432 of the Public  
3 Acts of 1988 and section 12 as amended by Act No. 286 of the  
4 Public Acts of 1982, being sections 397.211 and 397.212 of the  
5 Michigan Compiled Laws, are amended to read as follows:

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  
8 10, the city, village, or township shall establish a library  
9 board as prescribed in ~~subsections~~ SUBSECTION (3). ~~and (4).~~

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

15       (3) ~~(4)~~ A ~~permanent~~ library board shall be established  
16 for a city, village, or township described in subsection (1) or  
17 (2) as follows:

18       (a) In a city or village holding an annual election, 6  
19 directors shall be elected. The terms of 2 of the directors  
20 shall be 1 year; the terms of 2 of the directors shall be 2  
21 years; and the terms of 2 of the directors shall be 3 years.  
22 Each year thereafter, 2 directors shall be elected for 3-year  
23 terms.

24       (b) In a city or village that holds biennial elections, 6  
25 directors shall be elected. The terms of 2 of the directors  
26 shall be 2 years; the terms of 2 of the directors shall be 4  
27 years; and the terms of 2 of the directors shall be 6 years.

1 Biennially thereafter, 2 directors shall be elected for 6-year  
2 terms.

3 (c) In a township holding elections for township officers  
4 every 4 years, 6 directors shall be elected for 4-year terms at  
5 the primary and general elections in 1984. A term of office  
6 shall not be shortened by this subdivision. A director scheduled  
7 by this section before March 31, 1981, to be elected at a time  
8 other than 1984 shall not be elected on the date scheduled, but  
9 shall continue in office until a successor takes office pursuant  
10 to the election of 1984.

11 (d) The directors shall be nominated and elected on nonpar-  
12 tisan ballots. A candidate for city, village, or township  
13 library director shall file nonpartisan nominating petitions  
14 bearing the signatures of a number of registered and qualified  
15 electors of that city, village, or township equal to not less  
16 than 1% of the total number of votes cast for the chief elected  
17 officer of that city, village, or township in the last election  
18 in which the officer was elected. The Michigan election law, Act  
19 No. 116 of the Public Acts of 1954, being sections 168.1 to  
20 168.992 of the Michigan Compiled Laws, shall govern the circula-  
21 tion and filing of nonpartisan nominating petitions and the con-  
22 duct of nonpartisan elections under this section.

23 (4) ~~-(5)-~~ A director shall hold office until a successor is  
24 elected and qualified.

25 (5) ~~-(6)-~~ A library board shall fill a vacancy in a direc-  
26 torship by appointment of a person to hold office until the next  
27 election.

1       (6) ~~-(7)-~~ A ~~provisional or permanent~~ library board has the  
2 powers prescribed in section 5.

3       Sec. 12. Except as otherwise provided in section 10b,  
4 ~~sections~~ SECTION 10a ~~and it do~~ DOES not apply to a city, vil-  
5 lage, or township maintaining a public library under a special  
6 act or to a public library contained in the 1979 statement pre-  
7 pared by the state board for libraries pursuant to section 8 of  
8 Act No. 59 of the Public Acts of 1964, being section 397.38 of  
9 the Michigan Compiled Laws. However, an existing public library  
10 may, by petition, be organized under section 10a regardless of  
11 the library's original organization.