



HOUSE BILL No. 5869

November 10 1994 Introduced by Reps Palamara DeMars and Dobronski and referred to the Committee on Local Government

A bill to amend sections 2, 10, 18, and 23 of Act No 24 of the Public Acts of 1989, entitled "The district library establishment act," being sections 397 172, 397 180, 397 188, and 397 193 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2, 10 18 and 23 of Act No 24 of the
2 Public Acts of 1989, being sections 397 172, 397 180 397 188
3 and 397 193 of the Michigan Compiled Laws, are amended to read as
4 follows

5 Sec 2 As used in this act

6 (a) "Agreement" means a district library agreement required
7 by section 3 or the agreement governing a district library
8 established pursuant to former Act No 164 of the Public Acts of
9 1955

1 (b) Board means a district library board

2 (C) CHARTER COUNTY MEANS A COUNTY ORGANIZED UNDER ACT
3 NO 293 OF THE PUBLIC ACTS OF 1966 BEING SECTIONS 45 501 TO
4 45 521 OF THE MICHIGAN COMPILED LAWS

5 (D) ~~(c)~~ "District" means the territory of the participat-
6 ing municipalities that is served by a district library estab-
7 lished pursuant to this act

8 (E) ~~(d)~~ 'General election means that term as defined in
9 the Michigan election law, Act No 116 of the Public Acts of
10 1954 being sections 168 1 to 168 992 of the Michigan Compiled
11 Laws

12 ~~(e) "Largest" means, if used in reference to a participat-~~
13 ~~ing school district, the participating school district having the~~
14 ~~most electors voting at the last regularly scheduled school board~~
15 ~~election in the participating school district~~

16 (f) Largest ~~" means, if used in reference to a county'~~
17 ~~—~~ MEANS the county having the most registered electors of a
18 district as last reported to the county clerk pursuant to
19 section 661 of the Michigan election law, Act No 116 of the
20 Public Acts of 1954, being section 168 661 of the Michigan
21 Compiled Laws

22 (G) "LARGEST PARTICIPATING MUNICIPALITY" MEANS THE PARTICI-
23 PATING MUNICIPALITY HAVING THE MOST REGISTERED ELECTORS OF A DIS-
24 TRICT AS LAST REPORTED TO THE COUNTY CLERK PURSUANT TO SECTION
25 661 OF ACT NO 116 OF THE PUBLIC ACTS OF 1954

26 (H) LARGEST PARTICIPATING SCHOOL DISTRICT MEANS THE
27 PARTICIPATING SCHOOL DISTRICT HAVING THE MOST ELECTORS VOTING AT

1 THE LAST REGULARLY SCHEDULED SCHOOL BOARD ELECTION IN THE
2 PARTICIPATING SCHOOL DISTRICT

3 (I) ~~-(g)-~~ "Legislative body" means if the municipality is a
4 school district, the school board

5 (J) ~~-(h)-~~ "Legislative council" means the legislative coun-
6 cil created by the legislative council act, Act No 268 of the
7 Public Acts of 1986, being sections 4 1101 to 4 1901 of the
8 Michigan Compiled Laws

9 (K) ~~-(i)-~~ "Municipality" means a city, village school dis-
10 trict, township or county

11 (L) ~~-(j)-~~ "Participating MUNICIPALITY" means ~~-, in reference~~
12 ~~to~~ a municipality ~~-, that the municipality~~ is a party to an
13 agreement

14 (M) ~~-(k)-~~ "School district" means 1 of the following but
15 does not include a primary school district or a school district
16 that holds meetings rather than elections

17 (1) Local act school district as defined in section 5 of
18 the school code of 1976 Act No 451 of the Public Acts of 1976,
19 being section 380 5 of the Michigan Compiled Laws

20 (11) "Local school district" as that term is used in Act
21 No 451 of the Public Acts of 1976, being sections 380 1 to
22 380 1852 of the Michigan Compiled Laws

23 (N) ~~-(l)-~~ "State librarian" means the librarian appointed
24 pursuant to section 5 of the library of Michigan act, Act No 540
25 of the Public Acts of 1982, being section 397 15 of the Michigan
26 Compiled Laws

1 Sec 10 (1) This section applies to an election of board
2 members except if a school district is a participating
3 municipality, to the extent that it is inconsistent with section
4 11

5 (2) If an agreement prescribes elected board members the
6 board shall consist of 7 members elected at large from the
7 district

8 (3) If an agreement prescribes elected board members, a pro-
9 visional board of 7 members shall be appointed The members of
10 the provisional board hold office until their successors are
11 elected and qualified

12 (4) The first election of board members shall take place at
13 the first general election held 140 days or more after the
14 appointment of the first member of the provisional board The 4
15 persons receiving the most votes at the first election for board
16 members have 4-year terms and the 3 remaining persons elected to
17 the board have 2-year terms After the first election board
18 members shall be elected at general elections for 4-year terms
19 that begin on January 1 following the election

20 (5) Board members shall be elected on nonpartisan ballots

21 (6) A nomination for the office of board member shall be by
22 nonpartisan petitions signed by registered electors of the
23 district For the first election of board members, the number of
24 signatures shall be not less than 50 For subsequent elections
25 of board members, the number of signatures shall be not less than
26 $1/2$ of 1% of the number of persons voting in the district at the
27 last election at which board members were elected A nominating

1 petition shall be filed ~~with the clerk of the largest county~~
2 not later than 4 p m of the day 110 days before the date of the
3 election WITH THE CLERK OF THE LARGEST COUNTY HOWEVER IF THE
4 LARGEST COUNTY IS A CHARTER COUNTY AND IS NOT A PARTICIPATING
5 MUNICIPALITY, A NOMINATING PETITION SHALL BE FILED WITH THE CLERK
6 OF THE LARGEST PARTICIPATING MUNICIPALITY

7 (7) The ~~county~~ clerk with whom nominating petitions are
8 filed shall certify the names of the candidates to the clerk of
9 ~~every other~~ EACH county in which all or part of a participating
10 municipality is located

11 (8) ~~-(7)-~~ A vacancy in the office of a board member shall be
12 filled until the expiration of the vacating board member s term
13 by appointment by majority vote of the remaining board members
14 However, if the vacancy occurs 140 or more days or if a school
15 district is a participating municipality, 13 or more Mondays
16 before the first regularly scheduled election of board members
17 that follows the beginning of the term of the board member vacat-
18 ing office and that term is 4 years, all of the following apply

19 (a) The vacancy shall be filled by appointment by majority
20 vote of the remaining board members only until the next date on
21 which the term of any board member expires

22 (b) A board member shall be elected at the regularly sched-
23 uled election of board members next following the occurrence of
24 the vacancy to fill the vacancy for the remainder of the term of
25 the board member vacating office

26 Sec 18 (1) If an election for board members or a
27 districtwide tax is to be held in conjunction with a general

1 election or a state primary election immediately preceding a
2 general election and none of the participating municipalities are
3 school districts, the notices of close of registration and elec-
4 tion shall be published as provided for by the state election
5 laws. Otherwise, if none of the participating municipalities are
6 school districts, the county clerk of the largest county shall
7 publish the notices of close of registration and election. The
8 notice of close of registration shall include the ballot language
9 of the proposal.

10 (2) If none of the participating municipalities are school
11 districts, the results of an election for board members or a dis-
12 trictwide tax shall be canvassed by the board of county canvass-
13 ers of each county in which a participating municipality is
14 located. The board of county canvassers of a county in which a
15 participating municipality is located and which is not the larg-
16 est county shall certify the results of the election to the board
17 of county canvassers of the largest county. The board of county
18 canvassers of the largest county shall make the final canvass of
19 an election for board members or a districtwide tax based on the
20 returns of the election inspectors of the participating munici-
21 palities in that county and the certified results of the board of
22 county canvassers of every other county in which a participating
23 municipality is located. The board of county canvassers of the
24 largest county shall certify the results of the election to the
25 district library board and issue certificates of election. THIS
26 SUBSECTION IS SUBJECT TO SUBSECTION (3)

1 (3) IF A PARTICIPATING MUNICIPALITY IS LOCATED IN A CHARTER
2 COUNTY THAT IS NOT ITSELF A PARTICIPATING MUNICIPALITY ANY
3 DUTIES THAT THE BOARD OF CANVASSERS OF THE CHARTER COUNTY WOULD
4 OTHERWISE HAVE UNDER SUBSECTION (2) SHALL INSTEAD BE PERFORMED BY
5 THE BOARD OF CANVASSERS OF THE LARGEST PARTICIPATING
6 MUNICIPALITY

7 Sec 23 (1) A county clerk shall charge the district
8 library and the district library shall reimburse the county for
9 the actual costs the county incurs in an election for board mem-
10 bers or a districtwide tax IF THE LARGEST COUNTY IS A CHARTER
11 COUNTY AND IS NOT A PARTICIPATING MUNICIPALITY THE CLERK OF THE
12 LARGEST PARTICIPATING MUNICIPALITY SHALL CHARGE THE DISTRICT
13 LIBRARY AND THE DISTRICT LIBRARY SHALL REIMBURSE THE LARGEST PAR-
14 TICIPATING MUNICIPALITY FOR ACTUAL COSTS THE LARGEST PARTICIPAT-
15 ING MUNICIPALITY INCURS IN AN ELECTION FOR BOARD MEMBERS OR A
16 DISTRICTWIDE TAX

17 (2) If a participating township city, or village conducts
18 an election for district library board members or a districtwide
19 tax the clerk of that municipality shall charge the district
20 library and the district library shall reimburse the municipality
21 for the actual costs the municipality incurs in conducting the
22 election if 1 or more of the following apply

23 (a) The election is not held in conjunction with a regularly
24 scheduled election in that municipality

25 (b) Only a portion of the territory of the municipality is
26 included in the district

1 (c) The election is conducted pursuant to section 20(c) in
2 conjunction with a regularly scheduled election in the
3 municipality and a portion of the municipality lies within the
4 boundaries of a nonparticipating school district

5 (3) If a school district conducts an election for district
6 library board members or a districtwide tax, the officials autho-
7 rized by law to conduct the election shall charge the district
8 library and the district library shall reimburse the school dis-
9 trict for the actual costs that the school district incurs in
10 conducting the election if 1 or more of the following apply

11 (a) The school district is a participating school district
12 and the election is not held in conjunction with a regularly
13 scheduled election in that school district

14 (b) The school district is a nonparticipating school dis-
15 trict conducting the election for a participating municipality
16 all or part of which is located within the school district

17 (4) In addition to costs reimbursed pursuant to subsection
18 (1), (2), or (3), a municipality shall charge the district
19 library and the district library shall reimburse the municipality
20 for actual costs that the municipality incurs and that are exclu-
21 sively attributable to an election for board members or a dis-
22 trictwide tax

23 (5) The actual costs that a ~~county~~ township city vil-
24 lage, or school district incurs shall be based on the number of
25 hours of work done in conducting the election, the rates of com-
26 pensation of the workers and the cost of materials supplied in
27 the election