HOUSE BILL No. 4823

July 12, 2017, Introduced by Reps. Webber and Marino and referred to the Committee on Elections and Ethics.

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; and to prescribe penalties and provide remedies,"

by amending section 11 (MCL 397.211), as amended by 2014 PA 131.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 11. (1) Immediately after a city, a village, or a

2 township ~~has voted~~ **VOTES** to establish a free public library, the

3 city, village, or township shall establish a governing board as

4 provided in subsections (3) and (4).

5   (2) If a city, village, or township has a free public library

6 that has not elected a governing board, including a city library

7 and governing board established under sections 1 to 10, the city,

8 village, or township shall establish a governing board as provided

9 in subsections (3) and (4).

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1   (3) The legislative body of a city, village, or township

2 described in subsection (1) or (2) shall appoint a provisional

3 governing board of 6 members who shall hold office until the next

4 city, village, or township election of a permanent governing board.

5   (4) A permanent governing board ~~shall~~ **MUST** be established for

6 a city, village, or township described in subsection (1) or (2) as

7 follows:

8   (a) In a city or village that holds an annual election, 6

9 members ~~shall~~ **MUST** be elected. The terms of 2 of the members ~~shall~~

10 **MUST** be 1 year; the terms of 2 of the members ~~shall~~ **MUST** be 2

11 years; and the terms of 2 of the members ~~shall~~ **MUST** be 3 years.

12 Each year thereafter, 2 members ~~shall~~ **MUST** be elected for 3-year

13 terms.

14   (b) In a city or village that holds biennial elections, 6

15 members ~~shall~~ **MUST** be elected. The terms of 2 of the members ~~shall~~

16 **MUST** be 2 years; the terms of 2 of the members ~~shall~~ **MUST** be 4

17 years; and the terms of 2 of the members ~~shall~~ **MUST** be 6 years.

18 Biennially thereafter, 2 members ~~shall~~ **MUST** be elected for 6-year

19 terms.

20   (c) In a city or village that holds elections for city or

21 village officers every 4 years, 6 members ~~shall~~ **MUST** be elected for

22 4-year terms.

23   (d) In a township that holds elections for township officers

24 every 4 years, 6 members ~~shall~~ **MUST** be elected for 4-year terms.

25   (e) The members ~~shall~~ **MUST** be nominated and elected on

26 nonpartisan ballots. A candidate for city, village, or township

27 governing board member ~~shall~~ **MUST** be a qualified elector of that

1 city, village, or township and ~~shall~~ **MUST** file nonpartisan

2 nominating petitions bearing the signatures of a number of

3 registered and qualified electors of that city, village, or

4 township as follows:

5   (*i*) For a city, village, or township having a population of

6 9,999 or less, not less than 6 or more than 20 signatures.

7   (*ii*) For a city, village, or township having a population of

8 10,000 or more, not less than 40 or more than 100 signatures.

9   (f) ~~In~~ **FOR A CITY OR VILLAGE LIBRARY GOVERNING BOARD, IN** lieu

10 of the nominating petitions prescribed in subdivision (e), an

11 individual may file with the clerk conducting an election a $100.00

12 nonrefundable fee to have his or her name placed on the ballot. **FOR**

13 **A TOWNSHIP LIBRARY GOVERNING BOARD, IN LIEU OF THE NOMINATING**

14 **PETITIONS PRESCRIBED IN SUBDIVISION (E), AN INDIVIDUAL MAY FILE**

15 **WITH THE CLERK CONDUCTING AN ELECTION A $150.00 NONREFUNDABLE FEE**

16 **TO HAVE HIS OR HER NAME PLACED ON THE BALLOT.**

17   (g) The Michigan election law, 1954 PA 116, MCL 168.1 to

18 168.992, governs the circulation and filing of nonpartisan

19 nominating petitions and the conduct of nonpartisan elections under

20 this section. A nonpartisan election conducted under this section

21 ~~shall~~ **MUST** be held in conjunction with the city, village, or

22 township's next regularly scheduled primary or general election.

23   (5) Except as otherwise provided in this subsection, a member

24 shall hold office until a successor is elected and qualified. The

25 office of member becomes vacant ~~when~~ **IF** the incumbent dies,

26 resigns, is convicted of a felony, is removed from office by the

27 governor under section 10 of article V of the state constitution of

1 1963, or, except as otherwise provided in this subsection, ceases

2 to be a qualified elector of the city, village, or township in

3 which he or she was appointed or elected. A member who is serving a

4 term on a library governing board on ~~the effective date of the~~

5 ~~amendatory act that added this sentence~~ **MAY 27, 2014** and who during

6 that term ceases to be a qualified elector of the city, village, or

7 township in which he or she was appointed or elected may serve the

8 remainder of the term, but may not seek another term on the library

9 governing board of that city, village, or township unless he or she

10 meets the requirements of subsection (4)(e).

11 (6) A city or village library governing board shall fill a

12 vacancy in a membership by appointment of an individual to hold

13 office until the next regular election at which city or village

14 officers are elected. A township library governing board shall fill

15 a vacancy in a membership by appointment of an individual to hold

16 office until the next general November election.

17 (7) A provisional or permanent governing board has the powers

18 prescribed in section 5.

19 Enacting section 1. This amendatory act takes effect 90 days

20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect

22 unless all of the following bills of the 99th Legislature are

23 enacted into law:

24 (a) House Bill No. 4745.

25 (b) House Bill No. 4746.

26 (c) House Bill No. 4747.

27 (d) House Bill No. 4748.

1   (e) House Bill No. 4749.

2   (f) House Bill No. 4750.

3   (g) Senate Bill No.____ or House Bill No. 4809 (request no.

4 03584'17).

5   (h) Senate Bill No.____ or House Bill No. 4810 (request no.

6 03585'17).