LIBRARY OF MICHIGAN ACT
Act 540 of 1982

AN ACT to create the library of Michigan; to create a board of trustees for the library; to establish the qualifications of the state librarian; to provide the powers and duties of the board of trustees, the department of history, arts, and libraries, the state librarian, and certain state officials and agencies; and to repeal acts and parts of acts.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

The People of the State of Michigan enact:

397.11 Short title.

Sec. 1. This act shall be known and may be cited as the "library of Michigan act".

History: 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.12 Definitions.

Sec. 2. As used in this act:

(a) "Board" means the board of trustees of the library created in section 4.

(b) "Department" means the department of history, arts, and libraries.

(c) "Library" means the library of Michigan.

(d) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.13 Library of Michigan; creation.

Sec. 3. The library of Michigan is created within the department.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.14 Library board of trustees; creation; duties; meetings; membership; terms; rules; election of chairperson and vice-chairperson; expenses; state librarian as secretary of board.

Sec. 4. (1) A board of trustees of the library is created within the department. The board shall make recommendations to the department on the following matters:

(a) The services the library shall provide.

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

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

(d) The budget for the library.

(e) Proposed rules governing operations of the library.

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

(3) The board shall consist of the following:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the house of representatives minority leader.

(c) One member appointed by the senate majority leader.

(d) One member appointed by the senate minority leader.

(e) The director of the department or his or her designee.

(f) A representative of the Michigan library association, appointed by the governor from a list of 3 persons nominated by the Michigan library association.

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(g) Two members of the general public who represent users of the state library, appointed by the governor.

(h) One member who is a librarian from a college or university library, appointed by the governor.

(i) One member who is a librarian from a public or private K to 12 system, appointed by the governor.

(j) One member who is a librarian from a public library, appointed by the governor.

(k) One member who is a librarian from a special library, appointed by the governor.

(*l*) The chief justice of the supreme court or his or her designee.

(4) A member of the board appointed under subsection (3)(a) to (d) shall hold office for a term of 2 years to coincide with the term of office of state representative. Members appointed to the board by the governor under subsection (3) shall hold office for a term of 3 years except that of the members first appointed, 3 shall be appointed for 3 years, 2 for 2 years, and 2 for 1 year.

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

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

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 1986, Act 98, Imd. Eff. May 14, 1986;—Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.15 Appointment of state librarian.

Sec. 5. The governor, in consultation with the board and with the advice and consent of the senate, shall appoint a state librarian who shall serve at the pleasure of the governor.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.16 State librarian; duties; coordination of library activities with department director; qualifications of state librarian and assistant state librarian.

Sec. 6. (1) The state librarian shall have care and charge of the library and the administrative functions of the library. The director of the department and the state librarian shall coordinate the activities of the library with the department.

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

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 1995, Act 190, Imd. Eff. Nov. 6, 1995;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.17 Employment of assistants and other employees; transfer to department; exception.

Sec. 7. (1) The department, after consultation with the board, may permit the state librarian to employ other administrative and general assistants and employees as are necessary for the care and management of the library, including the law library branch of the library. Employment shall be offered first to those persons who are employed by the state library on March 30, 1983. No library employee shall convert for personal or partisan use, unrelated to library business, any supplies, services, facilities or staff provided by the state. Nor may a library employee be required to work during paid or unpaid time to affect the result of an election.

(2) Subject to subsection (3), employees of the library on the effective date of the amendatory act that added this subsection shall be transferred to the department in accordance with the department of civil service rules and shall be assumed into the classified service.

(3) The transfer of employees under subsection (2) shall not include 9 employees from the Michigan library and historical center operations and 3 employees from the library's computer website staff operations. Employees who are not transferred under this subsection shall remain employees of the legislative council.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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397.18 Property of library.

Sec. 8. The library shall succeed to the furnishings, building space, records, files, books, documents, and all other property in the possession of the state library on the effective date of this act.

History: 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.19 Library as depository for public documents; exemptions.

Sec. 9. (1) The library shall serve as a depository for each public document issued by a state official, department, board, commission, or agency. Not less than 75 copies of each document or 1 copy in the proper format as determined by the state librarian which is not issued solely for the use of a state official, department, board, commission, or agency shall be furnished to the library. Additional copies of those documents shall be supplied upon the request of the state librarian.

(2) A publication of a school, college, division, or department of a state supported college or university is exempt from the depository requirements of subsection (1), except that 2 copies of each publication shall be deposited in the library.

(3) A publication of a state supported college or university press, directive for internal administration, an intraoffice or interoffice memorandum, a state form, or other correspondence is exempt from the depository requirements of subsection (1).

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.20 Duties of library; maintenance and ownership of website by legislative council.

Sec. 10. (1) The library shall maintain a complete collection of the public documents deposited under section 9 as a permanent reference file. The library is charged primarily with providing reference services to the legislative branch of state government and, in addition, shall provide those services to the executive and judicial branches of state government and the general public. The law library branch is charged primarily with providing reference services to the legislative, executive, and judicial branches of state government. Upon request of a member of the legislature, the library shall provide in a timely manner to that individual copies of any information, documents, or other data, including the Michigan compiled laws, that are generated or produced by the legislature or legislative council agencies and all other information, documents, or other data that are in the possession of the library.

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

(3) The library also shall do all of the following:

(a) Send 1 copy of each public document deposited under section 9 to the library of congress.

(b) Prepare and issue quarterly, a complete list of public documents deposited under section 9 during the immediately preceding quarter. The lists shall be cumulated and printed at the end of each calender year. A copy shall be distributed by the library to state departments, legislators, and to public and college libraries within the state.

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

(d) Exchange the judicial decisions, statutes, journals, legislative and executive documents of this state, and other books placed in the care of the library for the purpose of exchange with the libraries of other states, the government of the United States, foreign countries, and societies and institutions.

(e) Sell or exchange duplicate volumes or sets of works not needed for use in the library and apply the proceeds to the purchase of other books for the library.

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

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

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

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

(j) Conduct research and publish the results for the benefit of all kinds of libraries and the library services

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to the people of the state.

(k) Provide all services which the state library was authorized to provide immediately preceding March 30, 1983.

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

(m) Seek grants to extend or enhance library services.

(4) The legislative council shall maintain a website containing information, documents, and other data generated by the legislature or legislative council agencies. On the effective date of the amendatory act that added this subsection, the library shall do both of the following:

(a) Transfer ownership of all computer hardware and software directly or indirectly associated with the Michiganlegislature.org website to the legislative council.

(b) Transfer ownership of the internet domain name “Michiganlegislature.org” to the legislative council.

(5) Upon request of the legislative council, the library shall provide to the legislative council copies of any information, documents, or other data, including the Michigan compiled laws database, generated or produced by the legislature or legislative council agencies that will assist the legislative council in carrying out its responsibilities under subsection (4).

(6) On October 1, 2001, money appropriated for the fiscal year ending September 30, 2002, necessary for the operation of the Michiganlegislature.org website and to fund the positions that are retained by the legislative council in section 7(3) shall be transferred to the legislative council.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 1983, Act 114, Imd. Eff. July 12, 1983;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: In the second sentence of subsection (3)(b), the word "calender" should evidently read "calendar".

For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.20a Rules.

Sec. 10a. The department, in consultation with the board, may promulgate rules related to the operations of the library.

History: Add. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.21 Annual report of state librarian.

Sec. 11. The state librarian shall report annually to the governor and to the legislature on the operations of the library and on the progress made in automating the operations of the library.

History: 1982, Act 540, Eff. Mar. 30, 1983;—Am. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.22 Repeal of MCL 397.51 to 397.59, 397.1 to 397.8, and 16.409.

Sec. 12. The following acts or parts of acts are repealed:

(a) Act No. 28 of the Public Acts of 1895, being sections 397.51 to 397.59 of the Compiled Laws of 1970.

(b) Act No. 106 of the Public Acts of 1937, being sections 397.1 to 397.8 of the Compiled Laws of 1970.

(c) Section 309 of Act No. 380 of the Public Acts of 1965, being section 16.409 of the Compiled Laws of 1970.

History: 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.22[1] Transfer and control of appropriation.

Sec. 12. Except for the money transferred in section 7 subsection (6), the appropriation for the fiscal year ending September 30, 2002 in Senate Bill No. 234 of the 91st Legislature to the library of Michigan is hereby transferred to the department of history, arts, and libraries for the fiscal year ending September 30, 2002, and shall be under the administrative control of the department of history, arts, and libraries subject to all the provisions of Senate Bill No. 234.

History: Add. 2001, Act 62, Eff. Oct. 1, 2001.

Compiler's note: This added section is compiled as MCL 397.22[1] to distinguish it from another Sec. 12 deriving from Act 540 of 1982.

In the opening phrase of this section, the reference to “section 7 subsection (6)” evidently should read “section 10, subsection (6).”

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397.23 Repealed. 1986, Act 98, Imd. Eff. May 14, 1986.

Compiler's note: The repealed section read: "Effective October 1, 1986, this act is repealed."

397.24 Conditional effective date.

Sec. 14. This act shall not take effect unless Senate Bill No. 201 of the 81st Legislature is enacted into law.

History: 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: Senate Bill No. 201, referred to in this section, was approved by the Governor on January 17, 1983, and became P.A. 1982, No. 541, Eff. Mar. 30, 1983.

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