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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bills 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322

Sponsor: Senator William Faust

Committee: Government Operations

Date Completed: 4-26-89

SUMMARY OF SENATE BILLS 312 through 322 as introduced 4-13-89:

Senate Bill 312 would repeal the Michigan Historical Commission Act and enact the "Michigan History Act" to do the following:

- Recreate the Michigan Historical Commission within, but not as a part of, the Department of Management and Budget (DMB). (The existing Commission is within the Department of State.)
- Specify duties of the Commission, including the operation of certain museums and historic sites owned by the State.
- Require the Commission to operate the State archives, and provide for the disposal of public records.
- Require the Commission to publish certain documents, and create the Michigan Heritage Publications Fund.

Senate Bills 313 through 322 would amend various laws to replace references to the Department of State or the Michigan Historical Commission Act with references to the new Commission or the proposed Act. The bills are tie-barred to Senate Bill 312, which is tie-barred to Senate Bills 313-322.

Senate Bill 312**Michigan Historical Commission**

The Commission would be required to exercise

its statutory powers independently of the DMB, although the Commission's budgeting, procurement, and related functions would have to be performed under the DMB's direction and supervision.

The Commission would have to include six members appointed by the Governor; four legislators, including one each from the minority and minority parties in each house, to be appointed by the respective party leaders; and the Governor, as an ex officio member. Legislative members would serve for two-year terms coinciding with the terms of office of the House of Representatives. Members appointed by the Governor before the proposed Act took effect would serve until the end of their term. Members appointed by the Governor after the Act took effect would serve for three-year terms. Members would serve without compensation but would be entitled to reimbursement for expenses. The Commission would have to prescribe rules for its own procedure.

The Commission would be required to do the following:

- Maintain and operate a museum in the Michigan Library and Historical Center and collect, preserve, and display materials related to the history of Michigan.
- Maintain and operate the Michigan Iron Industry Museum in conjunction with the Carp River Forge Advisory Board.

- Administer historic preservation programs.
- Together with the Department of Natural Resources, protect and administer the historical interests of the State in abandoned property and aboriginal remains.
- Perform all of the duties necessary to maintaining the State archives, as described below.
- Perform all of the duties related to historical publications, as described below.
- Cooperate with and encourage the development of local historical societies.
- Make recommendations to the Legislature on the budget and other matters of general policy concerning the history of the State.
- Develop procedures for carrying out the proposed Act.
- Perform all of the duties related to the history of the State that were performed by the Bureau of History of the Department of State before the bill took effect.
- Employ persons necessary or desirable for managing the programs authorized by the proposed Act.
- Report to the Legislature annually on the Commission's operation.

Historic Sites/Historic Site Fund

The Commission would be required to maintain and operate historic sites owned by the State, and would be authorized to do all of the following:

- Acquire or accept real property or rights in real property in the name of the State and for the benefit of the public, by purchase, gift, or devise.
- Accept on behalf of the State a gift or bequest of money or other nonhistoric personal property made for the purposes of the Act. Money would have to be turned over to the State Treasurer for investment, and the invested funds would be known as the State Historic Site Fund. The proceeds would have to be used to carry out the Act's purposes.
- Accept from a municipality the care and control of an historic site or property suitable as an historic site. The transfer

would have to be upon terms mutually agreeable to the Commission and the municipality.

The Commission also would be required to maintain a register of historic sites, and to appoint a State historic preservation officer to administer the State's historic preservation programs, including any operated with Federal assistance.

State Archives

The Commission would have to operate the State archives as a record depository to ensure the permanent preservation of State and local public records that document the growth and development of Michigan, or that contain significant information related to the functioning of Michigan government. The Commission also would have to appoint a State archivist to administer the programs authorized in these provisions.

In operating the State archives, the Commission would be required to:

- Collect from all agencies in the State records that were not in current use and that were of value, as determined by the Commission. ("Agency" would refer to the State, a county, city, village, township, school district, multicounty unit of government, or a department, board, or commission of the State or a county, municipality, or multicounty unit.)
- Accept from any nongovernmental person or entity a record that the Commission determined to have value.
- Preserve and maintain all records contained in the State archives on the bill's effective date.
- Classify, arrange, and index the records so they were available for public use.
- Make available for public inspection and copying any record that was not confidential, unless the record would be damaged by public availability.
- Designate local archival depositories that met criteria determined by the Commission for the preservation of local records.

A record obtained by the Commission under a

written agreement specifying that the record was for retention in the State archives but was confidential, would have to be kept confidential and could not be open to the public for a period set forth in the agreement, but not to exceed 20 years or the donor's death, whichever occurred first.

A public record transferred to the Commission by an agency that maintained the record on a confidential or privileged basis would have to be kept confidential if a written agreement to that effect were executed. The agreement would have to specify the conditions under which the record was to be transferred, and could provide for the release of the record for research purposes if the names of the persons identified in it were protected from disclosure. These provisions would not apply to a public record that failed to qualify for an exemption from the disclosure requirements of the Freedom of Information Act.

Public Records

A record that was required by law to be kept by a public officer or that was a written memorial of a transaction of a public officer in the discharge of his or her duties would be the property of the State and could not be disposed of except as provided below. These provisions would not apply to bonds, bills, notes, interest coupons, or other evidences of indebtedness issued by an agency.

A State or local agency would have to give the Commission a disposal schedule containing a list or description of the records that it certified to be of no current use and of no value to the agency. The Commission would have to review the schedule and inspect the list or description, or the records themselves, to determine which records were of value and should be kept in the State archives, and direct the agency to transfer to the archives the records of value.

After the Commission reviewed the disposal schedule and the valuable records had been transferred to the archives, the agency would have to give the schedule to the State Administrative Board, which would have to approve or disapprove the schedule and order the destruction of the valueless records accordingly.

Publications/Heritage Publications Fund

The Commission would be required to publish bulletins, an historical journal, book reprints, maps, articles, calendars, source materials, historical studies, and other related materials that, in the Commission's opinion, contributed to the understanding and appreciation of Michigan history. Publication expenses would be paid out of legislative appropriations or the proposed Heritage Publications Fund.

The Commission could sell the published materials at prices determined by the Commission, and could distribute publications to, or exchange publications with, other states, foreign governments, and private institutions. Upon request, the Commission would have to furnish free copies of the historical journal to each cooperative library of the State.

The Michigan Heritage Publications Fund would be created as a revolving fund in the Department of Treasury. Except for funds in the Historic Site Fund, money collected by the Commission would have to be credited to the Heritage Publications Fund.

Repeals

In addition to the Michigan Historic Commission Act, the bill would repeal the following laws:

- Public Act 31 of 1885, which requires documents of the Office of Commissioner of Immigration to be kept by the Secretary of State.
- Public Act 69 of 1976, which authorizes the Secretary of State to acquire and maintain historic sites for public use.
- Section 30 of Public Act 380 of 1965, which transferred the Michigan Historic Commission to the Department of State.

Senate Bill 313

The bill would amend the Carp River Forge Advisory Board Act to refer to the Michigan Historical Commission, instead of the Department of State, in provisions that describe the board's responsibilities.

MCL 399.744

Senate Bills 314 and 315

The bills would amend the Business Corporation Act and the Nonprofit Corporation Act, respectively, to refer to the Michigan History Act, instead of a section of the Michigan Historical Commission Act, in provisions permitting county clerks to dispose of corporate documents.

MCL 450.1913 (Senate Bill 314)
450.2913 (Senate Bill 315)

Senate Bill 316

The bill would amend the Michigan Penal Code to require official books, papers, and records to be disposed of as provided in the Michigan History Act, instead of the Michigan Historical Commission Act.

MCL 750.491

Senate Bill 317

The bill would amend Public Act 105 of 1964, which provides for the reproduction of public records and their use as evidence, to allow the originals to be disposed of in accordance with the Michigan History Act, instead of the Michigan Historical Commission Act.

MCL 691.1101

Senate Bills 318 and 319

The bills would amend the Tax Increment Finance Authority Act and the downtown development authority Act, respectively, to require an authority to refer proposed changes to the exterior of historic sites to the Michigan Historical Commission, rather than the Secretary of State, or to the applicable historic district commission, for review.

MCL 125.1826 (Senate Bill 318)
125.1679 (Senate Bill 319)

Senate Bill 320

The bill would amend the Income Tax Act to refer to contributions made for the preservation of the State archives to the Michigan Historical Commission, rather than the Department of State, for the purpose of a tax credit.

MCL 206.260

Senate Bill 321

The bill would amend the Revised Judicature Act, which provides for court records to be offered to the Department of State for placement in the State archives, to refer to the Michigan Historical Commission instead of the Department.

600.2137 and 600.9924a

Senate Bill 322

The bill would amend Public Act 173 of 1929, which reserves to the State aboriginal records and antiquities found on State land and abandoned property of historical value found on State-owned bottomlands of the Great Lakes, to replace numerous references to the Secretary of State with references to the Michigan Historical Commission that would be created by the Michigan History Act.

MCL 299.51 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

Senate Bill 312 would have no fiscal impact on State or local government. The increased costs to the Department of Management and Budget for the operational support of the Michigan Historical Commission would be offset by an equivalent decrease in costs to the Department of State.

Senate Bills 313 through 322 would have no fiscal impact on State or local government.

Fiscal Analyst: F. Sanchez

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

SFA BILL ANALYSIS

Senate Bill 313

Analysis Summary

See SB 312

SFA BILL ANALYSIS

Senate Bill 314

Analysis Summary

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Senate Bill 315

Analysis Summary

See SB 312

SFA BILL ANALYSIS

Senate Bill 316

Analysis Summary

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SFA BILL ANALYSIS

Senate Bill 317

Analysis Summary

See SB 312

SFA BILL ANALYSIS

Senate Bill 318

Analysis Summary

See SB 312

SFA BILL ANALYSIS

Senate Bill 319

Analysis Summary

See SB 312

SFA BILL ANALYSIS

Senate Bill 320

Analysis Summary

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Senate Bill 321

Analysis Summary

See SB 312

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Senate Bill 322

Analysis Summary

See SB 312