

HOUSE BILL No. 5417

January 25, 1990, Introduced by Reps. Bartnik, Pridnia, DeMars, Owen, Law, Runco, Giese, DeBeaussiaert, Knight, Hart, Niederstadt, Webb, Barns, Hoffman, Maynard, Muxlow, Alley, Hertel, Sofio, Profit, Joe Young, Sr., Stupak, Varga, Jonker, Hoekman, Willis Bullard, Mathieu, Miller, Bankes, Gnodtke and Middaugh and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to provide technical and financial assistance to Michigan historical facilities; to promote tourism by assisting historical museums and historic houses and sites; to establish a historical facilities assistance division within the department of state and to prescribe its functions; to create a historical facilities assistance review board and to prescribe its functions; and to prescribe criteria for making grant awards.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan historical facilities assistance act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the bureau of history of the depart-
5 ment of state.

6 (b) "Historical facilities" means publicly and privately
7 operated historical museums or those facilities listed on the

1 state register of historic sites pursuant to Act No. 10 of the
2 Public Acts of 1955, being sections 399.151 to 399.152 of the
3 Michigan Compiled Laws.

4 (c) "Museum organization" means a private, nonprofit
5 museum-related organization, institution, or association which
6 engages in activities designed to advance the well-being of muse-
7 ums and museum organizations.

8 (d) "Review board" means the historical facilities financial
9 assistance review board established pursuant to section 5.

10 Sec. 3. (1) The historical facilities assistance division
11 is established within the department.

12 (2) The historical facilities assistance division, under the
13 supervision of the secretary of state and his or her agents,
14 shall perform all of the following functions:

15 (a) Provide historical facilities with information on
16 exhibit planning and preparation; on the preservation of arti-
17 facts, buildings, and structures; and on the planning and con-
18 ducting of history-oriented special events.

19 (b) Collect information on Michigan's historic resources,
20 exhibits, and facilities; historical education programs; and
21 history-oriented special events, and disseminate such information
22 to the general public and to representatives of the news media
23 and tourist industry.

24 (c) Promote cooperative programs among historical facilities
25 through formal and informal means, including the execution of
26 contracts and letters of understanding.

1 (d) Administer, in cooperation with the review board, a
2 grant-in-aid program designed to provide financial assistance to
3 selected historical facilities.

4 (e) Establish procedures for reviewing and assessing the
5 effectiveness of grants, contracts, and cooperative agreements
6 entered into under this act.

7 Sec. 4. The department may promulgate rules pursuant to the
8 administrative procedures act of 1969, Act No. 306 of the Public
9 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
10 Compiled Laws, to carry out the purposes of this act.

11 Sec. 5. (1) The historical facilities financial assistance
12 review board is established within the department. The depart-
13 ment shall provide suitable meeting space, supplies, equipment,
14 and staff assistance to the board.

15 (2) The review board shall consist of the following
16 members:

17 (a) The state historic preservation officer, who shall serve
18 as chairperson of the board.

19 (b) The secretary of state or his or her designee.

20 (c) Five other persons appointed by the secretary of state.
21 The members appointed pursuant to this subdivision shall be
22 chosen from different geographic regions in the state and shall
23 include:

24 (i) A person possessing broad knowledge, expertise, or
25 experience in administering a publicly operated museum.

26 (ii) A person representing privately operated museums.

1 (iii) An owner or operator of a facility listed on the state
2 register of historic sites pursuant to Act No. 10 of the Public
3 Acts of 1955, being sections 399.151 to 399.152 of the Michigan
4 Compiled Laws.

5 (iv) An educator.

6 (v) A representative of the general public.

7 (3) Of the original 5 members of the review board appointed
8 by the secretary of state, 2 shall be designated to serve for 1
9 year, 2 for 2 years, and 1 for 3 years. A vacancy on the review
10 board shall be filled for the remainder of an unexpired term in
11 the same manner as the original appointment. The terms of office
12 except for original members shall be 3 years.

13 (4) A member appointed to the review board pursuant to
14 subsection (2)(c) shall not receive compensation for his or her
15 services but shall be reimbursed for expenses necessarily
16 incurred in the performance of his or her duties.

17 (5) The review board shall elect a vice-chairperson from
18 among its members.

19 Sec. 6. (1) Four members of the board shall constitute a
20 quorum necessary for the transaction of business. Action may be
21 taken by the board at a meeting upon a vote of the majority of
22 the members present.

23 (2) The review board shall meet at least 3 times annually at
24 the call of the chairperson, or in the event of a vacancy in the
25 position of chairperson, at the call of the vice-chairperson. A
26 meeting of the review board may be held anywhere in the state.

1 (3) The business of the review board shall be conducted at a
2 public meeting held in compliance with the open meetings act, Act
3 No. 267 of the Public Acts of 1976, being sections 15.261 to
4 15.275 of the Michigan Compiled Laws. Public notice of the time,
5 date, and place of a meeting shall be given in the manner
6 required by Act No. 267 of the Public Acts of 1976.

7 (4) A writing prepared, owned, used, in the possession of,
8 or retained by the review board in the performance of an official
9 function shall be made available to the public in compliance with
10 the freedom of information act, Act No. 442 of the Public Acts of
11 1976, being sections 15.231 to 15.246 of the Michigan Compiled
12 Laws.

13 Sec. 7. The review board shall perform the following
14 duties:

15 (a) Advise the secretary of state and the legislature
16 regarding the need for programs and grants to assist historical
17 facilities.

18 (b) Award grants to individual historical facilities pursu-
19 ant to the criteria and procedures prescribed in this act,
20 subject to the availability of funds.

21 Sec. 8. (1) The owners or operators of a historical facil-
22 ity who desire to receive a grant under this act shall file an
23 application with the department on a form prescribed by the
24 department. The application shall include information related to
25 the criteria for evaluation listed in section 9 and such other
26 information as the department or the review board may require.

1 (2) The department shall, to the extent feasible and
2 practicable, verify the information set forth in each
3 application, and shall forward all applications to the review
4 board for evaluation.

5 Sec. 9. (1) Upon receipt of an application for a grant, the
6 review board shall evaluate the application on its merits and, by
7 resolution, shall approve or reject the application. The cri-
8 teria for evaluation shall be as follows:

9 (a) The statewide educational significance and the qualita-
10 tive level of the program or project.

11 (b) The presence or absence of similar or complementary pro-
12 grams or projects in the region of the state in which the histor-
13 ical facility is located.

14 (c) Whether the program or project is essential to the
15 development of the state program of historical interpretation.

16 (d) The likely impact of the program or project on regional
17 tourism.

18 (e) The estimated total cost of the program or project under
19 consideration and the proposed apportionment of that cost between
20 the applicant and the state.

21 (f) Whether practical plans have been developed for the con-
22 tinued staffing, maintenance, and operation of the historical
23 facility.

24 (g) Any other factor which the review board considers
25 important.

26 (2) If the review board rejects an application, the board
27 shall return the application to the applicant, along with the

1 resolution of rejection which shall include a statement of the
2 reason for the rejection. A rejected applicant may reapply.

3 Sec. 10. (1) A grant awarded under this act shall be made
4 in 1 of the following categories:

5 (a) General operating support.

6 (b) Collections care and conservation.

7 (c) Special projects and events.

8 (2) A grant shall be made on a matching basis, but shall not
9 be for more than 50% of the cost of the categorical program,
10 project, or event for which the grant is awarded.

11 (3) A grant shall not be awarded under this act for a period
12 of time of more than 2 years.

13 (4) A grant award under this act shall not be effective
14 until a contract formally awarding the grant has been signed and
15 executed by an authorized representative of the grant recipient,
16 the chairperson of the review board, and the secretary of state
17 or his or her designee.

18 Sec. 11. (1) A grant recipient under this act shall main-
19 tain the books and records concerning the grant as the department
20 prescribes, including records which disclose the disposition of
21 the grants by the beneficiaries of financial assistance, the
22 total cost of the project, program, or event in connection with
23 which the assistance is given or used, the amount and nature of
24 that portion of the cost of the program, project, or event sup-
25 plied by other sources, and such other information as will facil-
26 itate an effective audit for 3 years following the award of the
27 grant.

1 (2) A grant recipient shall afford the secretary of state,
2 or his or her designee, access to its books and records concern-
3 ing the grant for the purpose of conducting an audit or records
4 review at any reasonable time during the grant period and up to 3
5 years thereafter.

6 Sec. 12. The department may accept, in the name of the
7 state, gifts and devises of money and other things of value. A
8 gift or devise accepted under this section shall be credited to a
9 special account and shall, upon appropriation, be eligible for
10 disbursement to further the purposes of this act.