

# SENATE BILL No. 312

April 13, 1989, Introduced by Senators FAUST and O'BRIEN  
referred to the Committee on Government Operations.

A bill to create the Michigan historical commission in the department of management and budget; to transfer the authority of the bureau of history of the department of state to the Michigan historical commission; to prescribe the duties and powers of the Michigan historical commission; to create the Michigan heritage publications fund; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3       Sec. 2. As used in this act:

4       (a) "Agency" means the state, a county, a municipality,  
5 including a city, village, or township, a school district, a mul-  
6 ticounty unit of government, or a department, board, or  
7 commission of the state, county, municipality, or multicounty  
8 unit of government.

1 (b) "Commission" means the Michigan historical commission  
2 created in section 3.

3 (c) "Department" means the department of management and  
4 budget.

5 (d) "Record" means a document, paper, book, letter, or other  
6 writing, whether prepared by handwriting, typewriting, printing,  
7 photostating, or photocopying; a photograph, film, map, magnetic  
8 or paper tape, microform, magnetic or punch card, disc, drum,  
9 sound or video recording, electronic data processing material, or  
10 other recording medium; and includes individual letters, words,  
11 pictures, sounds, impulses, or symbols, or a combination, regard-  
12 less of physical form or characteristics.

13 Sec. 3. (1) The Michigan historical commission is created  
14 within, but not as a part of the department of management and  
15 budget. The commission shall exercise the commission's pre-  
16 scribed statutory powers, duties, and functions independently of  
17 the department. The budgeting, procurement, and related func-  
18 tions of the commission shall be performed under the direction  
19 and supervision of the department.

20 (2) The commission shall consist of 12 members, including  
21 all of the following:

22 (a) Six members appointed by the governor.

23 (b) Four legislators, 1 from the majority party and 1 from  
24 the minority party in each house to be appointed by the respec-  
25 tive party leaders in each house.

26 (c) The governor, ex officio.

1 (3) A legislator appointed to the commission holds office  
2 for a term of 2 years coinciding with the terms of office of the  
3 house of representatives. A member appointed by the governor who  
4 is serving on the commission on the effective date of this act  
5 shall finish his or her term. A member appointed by the governor  
6 on and after the effective date of this act holds office for a  
7 term of 3 years.

8 (4) The commission shall prescribe rules for its own  
9 procedure. Annually, the commission shall elect from its member-  
10 ship a chairperson, vice-chairperson, and secretary. A member  
11 shall serve without compensation but is entitled to reasonable  
12 and necessary expenses incurred in the discharge of his or her  
13 duties.

14 Sec. 5. The commission shall do all of the following:

15 (a) Collect, preserve, and display in museums materials  
16 related to the history of Michigan as described in section 6.

17 (b) Administer historic preservation programs pursuant to  
18 Act No. 10 of the Public Acts of 1955, being sections 399.151 to  
19 399.152 of the Michigan Compiled Laws, and as described in sec-  
20 tion 7.

21 (c) Together with the department of natural resources, pro-  
22 tect and administer the historical interests of the state in  
23 abandoned property and aboriginal remains pursuant to Act No. 173  
24 of the Public Acts of 1929, being sections 299.51 to 299.55 of  
25 the Michigan Compiled Laws.

26 (d) Perform all of the duties necessary to maintaining the  
27 state archives, as described in sections 8 and 9.

1 (e) Perform all of the duties related to historical  
2 publications as described in section 10.

3 (f) Cooperate with, and encourage the development of, local  
4 historical societies in the state.

5 (g) Make recommendations to the legislature on budget and  
6 other matters of general policy concerning the history of the  
7 state.

8 (h) Develop procedures for carrying out this act.

9 (i) Perform all of the duties related to the history of the  
10 state of Michigan that were performed by the bureau of history of  
11 the department of state before the effective date of this act.

12 (j) Employ administrative assistants and employees necessary  
13 or desirable for the management of the programs authorized by  
14 this act.

15 (k) Make an annual report to the legislature on the opera-  
16 tions of the commission during the preceding year.

17 Sec. 6. (1) The commission shall maintain and operate a  
18 museum in the Michigan library and historical center to display  
19 for the public its collection of objects and materials related to  
20 the history of Michigan. It shall accept donations on behalf of  
21 the state for this purpose.

22 (2) The commission shall maintain and operate the Michigan  
23 iron industry museum in conjunction with the Carp river forge  
24 advisory board pursuant to the carp river forge advisory board  
25 act, Act No. 152 of the Public Acts of 1984, being sections  
26 399.71 to 399.76 of the Michigan Compiled Laws.

1       Sec. 7. (1) The commission shall maintain and operate  
2 historic sites owned by the state. The commission may do all of  
3 the following:

4       (a) Acquire or accept real property or rights in real prop-  
5 erty in the name of the state and for the benefit of the public,  
6 either by purchase, gift, or devise.

7       (b) Accept on behalf of the state a gift or bequest of money  
8 or other nonhistoric personal property made for the purposes of  
9 this act. Money received for this purpose shall be turned over  
10 to the state treasurer for investment, and the invested funds  
11 shall be known as the state historic site fund. The proceeds  
12 shall be used, under the direction of the council, to carry out  
13 the purposes of this act.

14       (c) Accept from a municipality the care and control of an  
15 historic site or property suitable as an historic site. The  
16 transfer from the municipality shall be upon terms mutually  
17 agreeable to the commission and the municipality.

18       (2) The commission shall maintain a register of historic  
19 sites pursuant to Act No. 10 of the Public Acts of 1955, being  
20 sections 399.151 to 399.152 of the Michigan Compiled Laws.

21       (3) The commission shall appoint a state historic preserva-  
22 tion officer to administer the historic preservation programs of  
23 the state, including any programs operated with federal  
24 assistance.

25       Sec. 8. (1) The commission shall operate the state archives  
26 as a record depository to ensure the permanent preservation of  
27 state and local public records that document the growth and

1 development of Michigan or that contain significant information  
2 related to the functioning of Michigan government.

3 (2) All public officers of the state shall assist the com-  
4 mission in the performance of the duties required in this section  
5 and in section 9.

6 (3) The commission shall appoint a state archivist to admin-  
7 ister the programs authorized in this section.

8 (4) In operating the state archives, the commission shall do  
9 all of the following:

10 (a) Collect from all agencies in the state records that are  
11 not in current use and that are of value, as determined by the  
12 commission.

13 (b) Accept from any nongovernmental person or entity a  
14 record that the commission determines to have value.

15 (c) Preserve and maintain all records contained in the state  
16 archives on the effective date of this act, including records of  
17 the office of commissioner of immigration and of any other office  
18 that no longer exists in this state.

19 (d) Classify, arrange, and index the records contained in  
20 the state archives so that they are available for the use of the  
21 public.

22 (e) Make available for public inspection and copying any  
23 record that is not confidential, unless the record would be dam-  
24 aged by such availability.

25 (f) Designate local archival depositories that meet criteria  
26 determined by the commission for the preservation of local  
27 records.

1 (5) When certified by the state archivist or his or her  
2 designee, a copy of a record has the same legal force and effect  
3 as if made by the agency from which the record was transferred.

4 (6) A record obtained by the commission under a written  
5 agreement specifying that the record is for retention in the  
6 state archives, but is confidential, shall be kept confidential  
7 and shall not be open to public inspection or copying for a  
8 period set forth in the agreement. The period set forth in the  
9 agreement shall end no later than 20 years from the date of the  
10 agreement or on the death of the donor, whichever occurs first.

11 (7) A public record transferred to the commission by an  
12 agency that maintained the record on a confidential or privileged  
13 basis shall be kept confidential if a written agreement to that  
14 effect is executed concerning the transfer. The agreement shall  
15 be signed by the state archivist and a representative of the  
16 agency, specify the terms and conditions under which the record  
17 is to be transferred, and may include a provision for the release  
18 of the record for research purposes if the names of persons iden-  
19 tified in the record are protected from disclosure.

20 (8) Subsection (7) does not apply to a public record that  
21 failed to qualify for an exemption from the disclosure require-  
22 ments of the freedom of information act, Act No. 442 of the  
23 Public Acts of 1976, being sections 15.231 to 15.246 of the  
24 Michigan Compiled Laws, before receipt by the commission or its  
25 predecessor.

26 Sec. 9. (1) A record that is required by law to be kept by  
27 a public officer or that is a written memorial of a transaction

1 of a public officer in the discharge of his or her duty is the  
2 property of the state and shall not be disposed of except as pro-  
3 vided in this section. This section does not apply to bonds,  
4 bills, notes, interest coupons, or other evidences of indebted-  
5 ness issued by an agency.

6       (2) A state or local agency shall present to the commission  
7 a disposal schedule containing a list or description of the  
8 records that it certifies to be of no current use and of no value  
9 to the agency. The commission shall review the schedule and  
10 inspect the list or description of records, or the records them-  
11 selves, to determine which records are of value and should be  
12 retained in the state archives. The commission shall direct the  
13 agency to transfer to the state archives those records determined  
14 by the commission to be of value.

15       (3) After the commission has reviewed the disposal schedule  
16 and the valuable records have been transferred to the state  
17 archives, the agency shall submit the schedule to the state  
18 administrative board, which shall approve or disapprove the dis-  
19 posal schedule and order the destruction of the valueless records  
20 accordingly.

21       Sec. 10. (1) The commission shall publish bulletins, a his-  
22 torical journal, book reprints, maps, articles, calendars, source  
23 materials, historical studies, and other related materials that,  
24 in the opinion of the commission, contribute to the understanding  
25 and appreciation of the history of Michigan. The expenses of  
26 publication shall be paid out of appropriations made by the  
27 legislature or out of the fund created by subsection (3).



1       (2) The commission may sell the published materials  
2 described in subsection (1) at prices determined by the  
3 commission. The commission shall furnish free copies of the his-  
4 torical journal upon request to each cooperative library of the  
5 state and to each member of the legislature, and it may distrib-  
6 ute to or exchange with other states, foreign governments, and  
7 private institutions published materials developed under this  
8 act.

9       (3) A revolving fund called the Michigan heritage publica-  
10 tions fund is created in the department of treasury. Except as  
11 otherwise provided in section 7, money collected by the commis-  
12 sion shall be credited to the fund. The printing, distribution,  
13 and promotion costs incurred by the publications authorized in  
14 this section shall be paid from the fund, to the extent  
15 possible.

16       Sec. 11. The following sections and acts are repealed:

17       (a) Act No. 31 of the Public Acts of 1885, being section  
18 11.113 of the Michigan Compiled Laws.

19       (b) Act No. 271 of the Public Acts of 1913, being sections  
20 399.1 to 399.9 of the Michigan Compiled Laws.

21       (c) Act No. 69 of the Public Acts of 1976, being sections  
22 399.111 to 399.113 of the Michigan Compiled Laws.

23       (d) Section 30 of Act No. 380 of the Public Acts of 1965,  
24 being section 16.130 of the Michigan Compiled Laws.

25       Sec. 12. This act shall not take effect unless all of the  
26 following bills of the 85th Legislature are enacted into law:

- 1 (a) Senate Bill No. 313.
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- 3 (b) Senate Bill No. 314.
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- 5 (c) Senate Bill No. 315.
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- 7 (d) Senate Bill No. 316.
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- 9 (e) Senate Bill No. 317.
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- 11 (f) Senate Bill No. 318.
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- 13 (g) Senate Bill No. 319.
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- 15 (h) Senate Bill No. 320.
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- 17 (i) Senate Bill No. 321.
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- 19 (j) Senate Bill No. 322.
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