

HOUSE BILL No. 5889

(As passed the Senate, June 6, 2002)

April 11, 2002, Introduced by Reps. Julian, Vander Roest, Spade, Zelenko, Anderson, Lockwood, Neumann, George and Richardville and referred to the Committee on Commerce.

A bill to amend 1955 PA 10, entitled
"An act to provide for the registration of historic sites,"
by amending the title and sections 1 and 2 (MCL 399.151 and
399.152) and by adding sections 3, 4, 5, 6, 7, 8, 9, and 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the registration of historic sites; TO
AUTHORIZE CERTAIN FEES; TO PRESCRIBE POWERS, DUTIES, AND RESPON-
SIBILITIES FOR CERTAIN STATE OFFICERS; AND TO PRESCRIBE PENALTIES
AND CIVIL REMEDIES FOR VIOLATIONS OF THIS ACT.

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Sec. 1. ~~Any agency of the state of Michigan, or of any
political subdivision thereof owning or in possession of any site
of historic interest, or any person owning or in possession of
such site, and any person having the consent of such owner or
person in possession, may apply to the Michigan historical~~

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1 ~~commission to have such site listed as a state historic site.~~

2 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "MICHIGAN HISTOR-
3 ICAL MARKERS ACT".

4 Sec. 2. ~~If, in the judgment of the commission, such site~~
5 ~~is of sufficient general historical interest, it shall list the~~
6 ~~site in a register kept for that purpose and shall authorize to~~
7 ~~be displayed at the site a suitable numbered marker, approved by~~
8 ~~the commission as to text and construction, indicating that the~~
9 ~~site is a registered state historic site. The marker shall not~~
10 ~~bear the name of any commissioner or state official.~~

11 ~~The sum of not to exceed \$12,000.00 is appropriated from the~~
12 ~~general fund for the fiscal year ending June 30, 1965, to the~~
13 ~~commission to restore the Protar property on Beaver Island as~~
14 ~~follows: weather proofing, other restoration of the interior and~~
15 ~~exterior of the building, installing exhibit cases inside the~~
16 ~~structure, providing adequate water supply by drilling a new~~
17 ~~well, providing toilet facilities, graveling access road, provid-~~
18 ~~ing adequate parking area and picnic tables, roofing the barn,~~
19 ~~and fencing property.~~ AS USED IN THIS ACT:

20 (A) "APPLICATION" MEANS APPLYING FOR THE PLACEMENT OF AN
21 OFFICIAL MICHIGAN HISTORICAL MARKER AT THE LOCATION OF A HISTORIC
22 RESOURCE OR SITE AND FOR THE RESOURCE'S OR SITE'S LISTING IN THE
23 STATE REGISTER OF HISTORIC SITES.

24 (B) "CENTER" MEANS THE MICHIGAN HISTORICAL CENTER ESTAB-
25 LISHED IN THE DEPARTMENT.

26 (C) "COMMISSION" MEANS THE MICHIGAN HISTORICAL COMMISSION
27 CREATED IN SECTION 1 OF 1913 PA 271, MCL 399.1.

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1 (D) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND
2 LIBRARIES CREATED IN SECTION 3 OF THE HISTORY, ARTS, AND LIBRAR-
3 IES ACT, 2001 PA 63, MCL 399.703.

4 (E) "HISTORIC RESOURCE" MEANS A PUBLICLY OR PRIVATELY OWNED
5 BUILDING, STRUCTURE, SITE, OBJECT, OR OPEN SPACE OF HISTORIC SIG-
6 NIFICANCE TO MICHIGAN.

7 (F) "HISTORIC SIGNIFICANCE" MEANS VALUE IN RELATION TO HIS-
8 TORICAL, ARCHITECTURAL, ARCHAEOLOGICAL, ENGINEERING, OR CULTURAL
9 DISCIPLINES.

10 (G) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
11 ASSOCIATION, OR OTHER PRIVATE LEGAL ENTITY.

12 (H) "WORK" MEANS CONSTRUCTION, ADDITION, ALTERATION, REPAIR,
13 MOVING, EXCAVATION, OR DEMOLITION.

14 SEC. 3. HISTORIC PRESERVATION AND RELATED PUBLIC EDUCATION
15 ARE DECLARED TO BE PUBLIC PURPOSES. IN FULFILLMENT OF THESE PUR-
16 POSES, THE DEPARTMENT MAY ADMINISTER A MICHIGAN HISTORICAL MARKER
17 PROGRAM WITH THE FOLLOWING GOALS:

18 (A) IDENTIFY AND LOCATE HISTORIC SITES AND SUBJECTS HAVING
19 HISTORIC SIGNIFICANCE TO THIS STATE.

20 (B) EDUCATE THE PUBLIC ABOUT SIGNIFICANT PEOPLE, PLACES, AND
21 THINGS IN MICHIGAN HISTORY AND THEREBY DEVELOP THE PUBLIC'S
22 KNOWLEDGE OF THE IMPORTANCE OF MICHIGAN HISTORY.

23 (C) ENCOURAGE THE PUBLIC TO PRESERVE HISTORIC RESOURCES
24 INDICATIVE OF MICHIGAN HISTORY AND TO DEVELOP A SENSE OF IDENTITY
25 AS MICHIGANIANS.

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1 (D) ENHANCE CULTURAL TOURISM IN THIS STATE BY ENCOURAGING
2 RESIDENTS AND VISITORS TO INVESTIGATE MICHIGAN HISTORY AND THE
3 STATE'S HISTORIC SITES.

4 (E) UNITE PEOPLE FROM VARIOUS REGIONS OF THIS STATE THROUGH
5 IMPROVED DISSEMINATION OF INFORMATION ABOUT HISTORIC RESOURCES
6 AND PLACES.

7 SEC. 4. THE DEPARTMENT MAY LIST A HISTORIC RESOURCE OR SITE
8 IN THE STATE REGISTER OF HISTORIC SITES AND COMMEMORATE THE
9 RESOURCE OR SITE WITH THE PLACEMENT OF AN OFFICIAL MICHIGAN HIS-
10 TORICAL MARKER IF THE HISTORIC RESOURCE OR SITE MEETS WRITTEN
11 CRITERIA ADOPTED BY THE DEPARTMENT UPON RECOMMENDATION OF THE
12 COMMISSION.

13 SEC. 5. (1) AN APPLICATION MAY BE FILED BY 1 OF THE FOLLOW-
14 ING PERSONS OR AGENCIES:

15 (A) A PERSON OWNING OR IN POSSESSION OF A HISTORIC RESOURCE
16 OR SITE OR A PERSON HAVING WRITTEN CONSENT FROM THE OWNER OR
17 PERSON IN POSSESSION OF A HISTORIC RESOURCE OR SITE.

18 (B) A DEPARTMENT OR AGENCY OF THIS STATE OR OF A POLITICAL
19 SUBDIVISION OF THE STATE OWNING, CONTROLLING, OR IN POSSESSION OF
20 A HISTORIC RESOURCE OR SITE.

21 (2) A PERSON OR AGENCY MAY SUBMIT APPLICATION TO THE CENTER
22 ONLY ON A FORM PRESCRIBED BY AND OBTAINED FROM THE CENTER. THE
23 FORM SHALL INCLUDE ALL REQUESTED INFORMATION AND BE ACCOMPANIED
24 BY THE FOLLOWING ATTACHMENTS:

25 (A) CURRENT IMAGES, AS PRESCRIBED BY THE CENTER.

26 (B) DOCUMENTATION FROM A RECOGNIZED AND AUTHORITATIVE SOURCE
27 ACCEPTABLE TO THE CENTER, SUPPORTING THE HISTORIC SIGNIFICANCE OF

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1 THE HISTORIC RESOURCE. THIS DOCUMENTATION SHALL DEMONSTRATE THE
2 HISTORIC SIGNIFICANCE OF THE HISTORIC RESOURCE.

3 (C) ANY ADDITIONAL DOCUMENTS REQUIRED BY THE CENTER.

4 (3) AN APPLICATION AND ALL ATTACHMENTS SUBMITTED TO THE
5 CENTER UNDER SUBSECTION (2) BECOME THE PROPERTY OF THE STATE.

6 (4) AN APPLICANT OTHER THAN AN AGENCY SHALL PAY THE CENTER
7 AN APPLICATION FEE OF \$250.00 AT THE TIME AN APPLICATION IS
8 SUBMITTED. THE CENTER MAY NOT PROCESS AN APPLICATION WITHOUT
9 THIS FEE. THE CENTER SHALL DEPOSIT THE FEE IN THE HISTORICAL
10 MARKER FUND CREATED IN SECTION 9. THE CENTER SHALL REFUND THE
11 FEE IF THE CENTER DECIDES THE HISTORIC RESOURCE IS NOT ELIGIBLE
12 FOR A HISTORICAL MARKER.

13 (5) THE CENTER SHALL REVIEW EACH APPLICATION FOR COMPLETE-
14 NESS AND ACCURACY. THE CENTER'S REVIEW MAY INCLUDE VERIFICATION
15 OF THE ACCURACY OF FURNISHED INFORMATION AND THE LOCATION OF THE
16 HISTORIC RESOURCE OR SITE. THE CENTER MAY REQUIRE THE APPLICANT
17 TO FURNISH ADDITIONAL INFORMATION CONSIDERED NECESSARY TO COM-
18 PLETE THE CENTER'S REVIEW OF THE APPLICATION AND ATTACHMENTS.
19 CENTER REPRESENTATIVES MAY VISIT THE SITE IF NECESSARY.

20 (6) SUBMISSION OF AN APPLICATION DOES NOT GUARANTEE THAT A
21 HISTORIC RESOURCE OR SITE WILL RECEIVE AN OFFICIAL MICHIGAN HIS-
22 TORICAL MARKER. IF THE CENTER CONCLUDES THAT THE APPLICATION
23 MEETS THE CRITERIA FOR THE PLACEMENT OF AN OFFICIAL MICHIGAN HIS-
24 TORICAL MARKER, THE CENTER SHALL ENDORSE THE APPLICATION AND PRE-
25 PARE MARKER TEXT FOR PRESENTATION TO THE COMMISSION. HOWEVER, IF
26 THE CENTER CONCLUDES THAT THE APPLICATION FAILS TO MEET A
27 CRITERION OR ANOTHER REQUIREMENT FOR PLACEMENT OF A MARKER, THE

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1 CENTER SHALL NOTIFY THE APPLICANT OF THAT DECISION IN WRITING AND
2 SHALL SPECIFY THE REASON OR REASONS WHY THE APPLICATION IS
3 DENIED.

4 SEC. 6. (1) UPON RECEIPT OF AN APPLICATION AND PROPOSED
5 MARKER TEXT FROM THE CENTER, THE COMMISSION SHALL REVIEW, MODIFY
6 IF NECESSARY, AND APPROVE THE TEXT, AND REVIEW AND APPROVE THE
7 LOCATION FOR EACH REQUESTED HISTORICAL MARKER. THE COMMISSION
8 SHALL EXERCISE ITS JUDGMENT AND DISCRETION IN REVISING AND
9 APPROVING PROPOSED MARKER TEXT AND MAY ADVISE THE DEPARTMENT ON
10 MATTERS PERTAINING TO APPLICATIONS AND RELATED DECISIONS. THE
11 DEPARTMENT SHALL ISSUE AN OFFICIAL SITE NUMBER FOR EACH HISTORIC
12 RESOURCE OR SITE DESIGNATED FOR PLACEMENT OF AN OFFICIAL MICHIGAN
13 HISTORICAL MARKER.

14 (2) AN OFFICIAL MICHIGAN HISTORICAL MARKER SHALL NOT INCLUDE
15 OR MENTION THE NAME OF A LIVING COMMISSIONER OR ANY OTHER LIVING
16 STATE OFFICIAL.

17 (3) AN OFFICIAL MICHIGAN HISTORICAL MARKER SHALL INCLUDE THE
18 WORDS "MICHIGAN HISTORICAL CENTER, DEPARTMENT OF HISTORY, ARTS,
19 AND LIBRARIES". THE DEPARTMENT MAY RETROFIT A MARKER THAT DOES
20 NOT INCLUDE THESE WORDS.

21 (4) AN OFFICIAL MICHIGAN HISTORICAL MARKER SHALL HAVE A LOGO
22 OR SEAL WITH A WOLVERINE EMBLEM IN ITS UPPER AREA OR CREST AND
23 INCLUDE THE WORDS "REGISTERED MICHIGAN HISTORIC SITE".

24 (5) THE DEPARTMENT MAY ENTER INTO A WRITTEN AGREEMENT WITH
25 ANOTHER STATE, LOCAL, OR FEDERAL AGENCY REGARDING THE PLACEMENT
26 OF AN OFFICIAL MICHIGAN HISTORICAL MARKER ON PROPERTY UNDER THE

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1 JURISDICTION OF THE AGENCY. THE AGREEMENT MAY ADDRESS SECURITY,
2 PAYMENT FOR THE MARKER, AND OTHER APPROPRIATE MATTERS.

3 SEC. 7. (1) AN OFFICIAL MICHIGAN HISTORICAL MARKER APPROVED
4 BY THE DEPARTMENT AND THE COMMISSION IS THE PROPERTY OF THE STATE
5 OF MICHIGAN AND IS SUBJECT TO THE EXCLUSIVE CONTROL OF THE
6 DEPARTMENT, WHETHER ERECTED ON PUBLIC OR PRIVATE PROPERTY. IN
7 ADDITION TO OTHER TEXT ON THE MARKER, EACH MARKER SHALL INCLUDE
8 THE CONSPICUOUS STATEMENT "PROPERTY OF THE STATE OF MICHIGAN".

9 (2) THE DEPARTMENT SHALL NOT ABANDON AN OFFICIAL MICHIGAN
10 HISTORICAL MARKER. IN ALL LEGAL PROCEEDINGS, IN THIS STATE OR
11 ELSEWHERE, THERE SHALL BE AN IRREBUTTABLE PRESUMPTION AGAINST
12 ABANDONMENT OF THE STATE OF MICHIGAN'S OWNERSHIP OF AN OFFICIAL
13 MICHIGAN HISTORICAL MARKER.

14 (3) A PERSON OR AGENCY IN POSSESSION OF A HISTORIC RESOURCE
15 OR SITE WHERE AN OFFICIAL MICHIGAN HISTORICAL MARKER IS DISPLAYED
16 SHALL NOT ATTEMPT TO CONVEY, SELL, OR OTHERWISE TRANSFER THE
17 MARKER. A CONVEYANCE, SALE, OR TRANSFER IS VOID UNLESS MADE PUR-
18 SUANT TO WRITTEN PERMISSION FROM THE DEPARTMENT.

19 (4) UPON DISCOVERING THAT AN OFFICIAL MICHIGAN HISTORICAL
20 MARKER MAY HAVE BEEN STOLEN OR OTHERWISE IMPROPERLY OR UNLAWFULLY
21 REMOVED FROM THE HISTORIC RESOURCE OR SITE WHERE IT WAS PLACED,
22 THE DEPARTMENT, WITH ADVICE AND ASSISTANCE FROM THE ATTORNEY GEN-
23 ERAL, MAY COMMENCE AN ACTION, IN THIS STATE OR ELSEWHERE, TO
24 RECOVER THE MARKER.

25 (5) UPON DISCOVERING THAT AN OFFICIAL MICHIGAN HISTORICAL
26 MARKER HAS BEEN MARRED, VANDALIZED, OR OTHERWISE DAMAGED, THE
27 DEPARTMENT, WITH ADVICE AND ASSISTANCE FROM THE ATTORNEY GENERAL,

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1 MAY COMMENCE AN ACTION, IN THIS STATE OR ELSEWHERE, TO RECOVER
2 THE ACTUAL REPLACEMENT COST OF THE MARKER, PLUS TAXABLE COSTS,
3 REASONABLE ATTORNEY FEES, AND INTEREST CALCULATED UNDER
4 SECTION 6013 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
5 MCL 600.6013. REVENUE RECEIVED UNDER THIS SUBSECTION SHALL BE
6 DEPOSITED IN THE HISTORICAL MARKER FUND CREATED IN SECTION 9.

7 SEC. 8. (1) A PERSON OR AGENCY SHALL NOT EXHIBIT, DISPLAY,
8 OR USE AN OFFICIAL MICHIGAN HISTORICAL MARKER'S DISTINCTIVE
9 DESIGN, CONFIGURATION, PATTERN, OR COLOR COMBINATION, INCLUDING A
10 FACSIMILE OF AN OFFICIAL MICHIGAN HISTORICAL MARKER, FOR ANY PUR-
11 POSE WITHOUT THE DEPARTMENT'S WRITTEN PERMISSION. A PERSON OR
12 AGENCY THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR
13 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
14 NOT MORE THAN \$1,000.00, OR BOTH.

15 (2) A PERSON OR AGENCY SHALL NOT USE FOR ADVERTISING, RETAIL
16 SALES, OR ANY OTHER COMMERCIAL PURPOSE WITHOUT THE DEPARTMENT'S
17 WRITTEN PERMISSION ANY PORTION OF THE SEAL, EMBLEM, AND LOGO THAT
18 APPEAR IN THE CREST OF AN OFFICIAL MICHIGAN HISTORICAL MARKER. A
19 PERSON OR AGENCY THAT VIOLATES THIS SUBSECTION IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS
21 OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

22 (3) A PERSON OR AGENCY SHALL NOT EXHIBIT, DISPLAY, OR USE A
23 MARKER'S SEAL, EMBLEM, OR LOGO OR A MARKER'S DISTINCTIVE DESIGN,
24 CONFIGURATION, PATTERN, OR COLOR COMBINATION, INCLUDING AN OFFI-
25 CIAL MICHIGAN HISTORICAL MARKER'S FACSIMILE, TO REPRESENT HIS OR
26 HER PROPERTY AS A REGISTERED MICHIGAN HISTORIC SITE. A PERSON OR
27 AGENCY SHALL NOT EXHIBIT, DISPLAY, OR USE THE SEAL, EMBLEM, OR

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1 LOGO OR A MARKER'S DISTINCTIVE DESIGN, CONFIGURATION, PATTERN, OR
2 COLOR COMBINATION, INCLUDING AN OFFICIAL MICHIGAN HISTORICAL
3 MARKER'S FACSIMILE, IN A MANNER DESIGNED TO LEAD ANOTHER PERSON
4 TO BELIEVE THAT THE PERSON'S PROPERTY IS AN OFFICIAL STATE HIS-
5 TORIC SITE. A PERSON OR AGENCY THAT VIOLATES THIS SUBSECTION IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 6 MONTHS OR A FINE OF NOT LESS THAN \$2,000.00 OR MORE THAN
8 \$10,000.00, OR BOTH. IF A PERSON ALLEGEDLY IN VIOLATION OF THIS
9 SUBSECTION RECEIVES WRITTEN NOTICE FROM THE DEPARTMENT THAT THE
10 PERSON IS IN APPARENT VIOLATION OF THE SUBSECTION AND THE PERSON
11 WITHIN 60 DAYS OF MAILING OF THE NOTICE CEASES THE VIOLATION BY
12 REMOVING OR NO LONGER USING THE SEAL, PATTERN, DESIGN, OR COLOR
13 COMBINATION, OR FACSIMILE, PROSECUTION UNDER THIS SUBSECTION IS
14 BARRED.

15 (4) A PERSON OR AGENCY SHALL NOT DAMAGE, DESTROY, DEFACE,
16 REMOVE, TAMPER WITH, ALTER, OR POSSESS AN OFFICIAL MICHIGAN HIS-
17 TORICAL MARKER DISPLAYED AT A HISTORIC RESOURCE OR SITE WITHOUT
18 THE DEPARTMENT'S WRITTEN PERMISSION. A PERSON OR AGENCY THAT
19 VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
20 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT LESS THAN
21 \$500.00 OR MORE THAN \$5,000.00, OR BOTH. A PERSON WHO PLEADS
22 GUILTY OR NOLO CONTENDERE OR IS DETERMINED GUILTY UNDER THIS SUB-
23 SECTION IS LIABLE TO THIS STATE IN AN AMOUNT DOUBLE THE COST OF
24 REPAIR, REPLACEMENT, AND RESTORATION OF THE OFFICIAL STATE HIS-
25 TORIC SITE AND OFFICIAL MICHIGAN HISTORICAL MARKER.

26 (5) A PERSON, INCLUDING A SALVAGE COMPANY, COMMERCIAL
27 BUSINESS, OR A COLLECTOR, SHALL NOT KNOWINGLY ACCEPT IN TRADE OR

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1 POSSESS AN OFFICIAL MICHIGAN HISTORICAL MARKER. A PERSON THAT
2 VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
3 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR A FINE OF NOT LESS
4 THAN \$1,000.00 OR MORE THAN \$10,000.00, OR BOTH. A PERSON THAT
5 PLEADS GUILTY OR NOLO CONTENDERE OR IS DETERMINED GUILTY UNDER
6 THIS SUBSECTION IS LIABLE TO THIS STATE IN AN AMOUNT 3 TIMES THE
7 COST OF THE REPAIR, RESTORATION, OR REPLACEMENT OF THE OFFICIAL
8 MICHIGAN HISTORICAL MARKER.

9 (6) WITHIN THE FIRST 90 DAYS AFTER THE EFFECTIVE DATE OF THE
10 AMENDATORY ACT THAT ADDED THIS SUBSECTION, A PERSON POSSESSING AN
11 OFFICIAL MICHIGAN HISTORICAL MARKER MAY RETURN THE MARKER TO THE
12 DEPARTMENT OR TO THE SHERIFF OF THE PERSON'S COUNTY OF RESIDENCE
13 WITHOUT PENALTY FOR LARCENY OR VIOLATING THIS ACT. HOWEVER, THIS
14 IMMUNITY SHALL NOT APPLY TO A PERSON THAT REMOVED THE MARKER IF
15 THE REMOVAL OF THE MARKER RESULTED IN DEATH OR PERSONAL INJURY.
16 A SHERIFF SHALL HOLD A RETURNED MARKER AND SHALL NOTIFY THE
17 DEPARTMENT THAT A MARKER HAS BEEN RETURNED. THE DEPARTMENT SHALL
18 DETERMINE THE DISPOSITION OF THE RETURNED MARKER.

19 (7) THE AMOUNTS RECEIVED UNDER THE LIABILITY PROVISIONS OF
20 SUBSECTIONS (4) AND (5) SHALL BE DEPOSITED IN THE HISTORICAL
21 MARKER FUND CREATED IN SECTION 9.

22 SEC. 9. (1) THE DEPARTMENT MAY ACCEPT GIFTS, GRANTS,
23 BEQUESTS, AND APPROPRIATIONS FOR THE PURPOSE OF ADMINISTERING THE
24 MICHIGAN HISTORICAL MARKER PROGRAM, INCLUDING, BUT NOT LIMITED
25 TO, THE MANUFACTURE AND PLACEMENT OF AN OFFICIAL MICHIGAN HISTOR-
26 ICAL MARKER, REPAIR AND MAINTENANCE OF A MARKER, PROGRAM

1 ADMINISTRATION, APPLICATION REVIEWS, MARKER RESTORATION, MARKER
2 RECOVERY, AND ENFORCEMENT OF THIS ACT.

3 (2) THE AMOUNTS RECEIVED UNDER SUBSECTION (1) SHALL BE CRED-
4 ITED TO A FUND, WHICH IS CREATED AND SHALL BE KNOWN AS THE HIS-
5 TORICAL MARKER FUND. THE STATE TREASURER SHALL DIRECT THE
6 INVESTMENT OF THE HISTORICAL MARKER FUND AND SHALL CREDIT TO THE
7 FUND ALL INTEREST AND EARNINGS EARNED FROM FUND INVESTMENTS.
8 MONEY IN THE HISTORICAL MARKER FUND AT THE CLOSE OF THE FISCAL
9 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL
10 FUND. NOTWITHSTANDING ANY BALANCE IN THE HISTORICAL MARKER FUND,
11 NOTHING IN THIS SUBSECTION SHALL OBLIGATE THE DEPARTMENT TO PAY
12 FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF AN OFFICIAL
13 MICHIGAN HISTORICAL MARKER.

14 (3) THE DEPARTMENT MAY COPYRIGHT THE TEXT ON AN OFFICIAL
15 MICHIGAN HISTORICAL MARKER AND MAY REGISTER AS A TRADEMARK OR
16 SERVICE MARK THE LOGO, SEAL, AND EMBLEM ASSOCIATED WITH OFFICIAL
17 MICHIGAN HISTORICAL MARKERS. THE DEPARTMENT MAY LICENSE OR SELL
18 RIGHTS TO PUBLISH OR OTHERWISE USE COPYRIGHTED MARKER TEXT AND TO
19 USE THE REGISTERED LOGO, SEAL, OR EMBLEM AND SHALL DEPOSIT
20 AMOUNTS RECEIVED FROM SALES AND LICENSING IN THE HISTORICAL
21 MARKER FUND CREATED IN SUBSECTION (2).

22 SEC. 10. (1) AN OFFICIAL MICHIGAN HISTORICAL MARKER PLACED
23 TO RECOGNIZE A PARTICULAR HISTORIC RESOURCE MAY BE MOVED TO AND
24 PLACED AT ANOTHER NEARBY SITE IF THE COMMISSION HAS BEEN ASKED TO
25 GIVE, AND HAS GIVEN, WRITTEN PERMISSION FOR THE MOVE.

26 (2) WHEN MAKING ALTERATIONS TO THE EXTERIOR OF A HISTORIC
27 RESOURCE WHICH HAS BEEN COMMEMORATED BY AN OFFICIAL MICHIGAN

1 HISTORICAL MARKER, THE OWNER OR OTHER PERSON IN POSSESSION OF THE
2 HISTORIC RESOURCE SHALL FOLLOW THE UNITED STATES SECRETARY OF THE
3 INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHA-
4 BILITATING HISTORIC BUILDINGS, AS SET FORTH IN 36 C.F.R. PART 67,
5 WHEN DEVELOPING PLANS FOR AND PERFORMING WORK ON THIS HISTORIC
6 RESOURCE. THE OWNER OR OTHER PERSON IN POSSESSION OF THE HIS-
7 TORIC RESOURCE MAY ASK THE CENTER TO REVIEW WORK PLANS PRIOR TO
8 COMMENCEMENT OF WORK.

9 (3) THE CENTER MAY WITHDRAW A MARKER DESIGNATION AND MAY
10 REQUEST THE RETURN OF OR MAY REPOSSESS AN OFFICIAL MICHIGAN HIS-
11 TORICAL MARKER FROM A HISTORIC RESOURCE OR SITE IF THE CENTER
12 DETERMINES THAT THE HISTORIC RESOURCE OR SITE HAS LOST ITS HIS-
13 TORIC SIGNIFICANCE OR INTEGRITY.

14 (4) IF THE CENTER WITHDRAWS A MARKER DESIGNATION, THE PERSON
15 OR AGENCY IN POSSESSION OF THE HISTORIC RESOURCE OR SITE SHALL
16 IMMEDIATELY RETURN THE MARKER TO THE CENTER.