

# HOUSE BILL No. 4944

June 13, 2001, Introduced by Reps. Kooiman and Stewart and referred to the Committee on Commerce.

A bill to amend 1913 PA 271, entitled

"An act to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith,"

by amending sections 1, 4a, 6, 7, 7a, 8a, and 10 (MCL 399.1, 399.4a, 399.6, 399.7, 399.7a, 399.8a, and 399.10), section 4a as amended and section 10 as added by 1992 PA 190, sections 6 and 7 as amended by 1984 PA 309, and section 7a as added by 1988 PA 467.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 1. There is hereby created WITHIN THE DEPARTMENT a  
2 commission to be known as the Michigan historical commission.  
3 ~~Said~~ THE commission shall consist of 6 members ~~—, with the~~

1 ~~addition of~~ AND the ~~governor~~ DIRECTOR OF THE DEPARTMENT,  
2 SERVING AS AN ex-officio ~~;/ said~~ MEMBER. THE GOVERNOR SHALL  
3 APPOINT THE OTHER 6 members ~~shall be appointed by the governor~~  
4 by and with the advice and consent of the senate. ~~No~~ A member  
5 of ~~said~~ THE commission shall NOT receive any compensation for  
6 his OR HER services, except actual and necessary expenses while  
7 attending the meetings or carrying out the purposes of ~~said~~ THE  
8 commission.

9       Sec. 4a. (1) A record obtained by the secretary of state  
10 BEFORE THE EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT AMENDED  
11 THIS SECTION OR BY THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THE  
12 2001 AMENDATORY ACT THAT AMENDED THIS SECTION from a person under  
13 a written agreement specifying that the record is for retention  
14 in the state archives, but is confidential, shall be kept confi-  
15 dential and shall not be open to public inspection or copying for  
16 a period stated in the agreement, which period shall not be more  
17 than 20 years or until the death of the person, whichever occurs  
18 first.

19       (2) A record obtained by the secretary of state BEFORE THE  
20 EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT AMENDED THIS SEC-  
21 TION OR BY THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THE 2001  
22 AMENDATORY ACT THAT AMENDED THIS SECTION from a governmental  
23 agency that maintained the material on a confidential basis shall  
24 be kept confidential pursuant to the terms of a written  
25 agreement. The written agreement shall be signed by the secre-  
26 tary of state OR A REPRESENTATIVE OF THE DEPARTMENT and a  
27 representative of the donating agency, shall specify the terms

1 and conditions under which the record is to be kept confidential,  
2 and may include provision for releasing the record for research  
3 purposes provided the name of each individual identified in the  
4 record is protected from disclosure.

5 (3) This section does not apply to a record that is not  
6 exempt from the disclosure requirements of the freedom of infor-  
7 mation act, ~~Act No. 442 of the Public Acts of 1976, as amended,~~  
8 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~  
9 1976 PA 442, MCL 15.231 TO 15.246, before receipt by the secre-  
10 tary of state OR THE DEPARTMENT.

11 Sec. 6. (1) ~~It shall be the duty of the secretary of state~~  
12 ~~to~~ THE DEPARTMENT SHALL prepare for publication the material  
13 referred to in section 4. ~~of this act.~~ The volumes shall be  
14 printed and bound in substantial uniformity with the volumes  
15 issued by other historical societies and the several state  
16 departments. That printing, together with bulletins, including a  
17 historical journal, and book reprints, maps, articles, calendars,  
18 and related items as may be determined by the ~~secretary of~~  
19 ~~state~~ DEPARTMENT, shall be paid out of the appropriations made  
20 by the legislature.

21 (2) The ~~secretary of state~~ DEPARTMENT may establish,  
22 raise, and lower a selling price for books, reprints, maps, arti-  
23 cles, calendars, and related items and may sell those materials.

24 Sec. 7. (1) The ~~secretary of state~~ DEPARTMENT shall be  
25 the custodian of the historical publications ~~of the department~~  
26 ~~of state~~ and may distribute, exchange, or both distribute and

1 exchange the publications with domestic and foreign states,  
2 governments, and institutions.

3       (2) The ~~secretary of state~~ DEPARTMENT shall publish a  
4 journal entitled Michigan history and shall furnish 1 copy of the  
5 journal, free of charge, to each cooperative library in this  
6 state, if officially requested to do so by the officers of the  
7 library.

8       (3) The ~~secretary of state~~ DEPARTMENT shall furnish to  
9 each member of the legislature 1 copy of each journal published  
10 during the legislator's term, free of charge, if requested to do  
11 so by the legislator.

12       (4) Except as provided in subsections (2) and (3), the  
13 ~~secretary of state~~ DEPARTMENT shall sell each copy of the jour-  
14 nal, Michigan history, at a price set by the ~~secretary of state~~  
15 DEPARTMENT. The printing, distribution, and promotion costs  
16 incurred by the journal shall be paid exclusively from the  
17 Michigan heritage publications fund.

18       (5) The ~~secretary of state~~ DEPARTMENT may raise or lower  
19 the selling price of Michigan history to reflect changes in  
20 printing, distribution, and promotion costs incurred by the  
21 journal.

22       (6) The money collected from the sale of Michigan history  
23 and the material listed in section 6(2) shall be credited to a  
24 revolving fund, WHICH IS HEREBY created ~~by this act~~ AND which  
25 ~~is called~~ SHALL BE REFERRED TO AS the Michigan heritage publi-  
26 cations fund. The money shall be used to pay the printing,  
27 distribution, and promotion costs of Michigan history and the

1 material listed in section 6(2). The money in the revolving fund  
2 at the close of the fiscal year shall remain in the revolving  
3 fund.

4       Sec. 7a. (1) The ~~secretary of state~~ DEPARTMENT may estab-  
5 lish and administer a store in the center. The store may acquire  
6 and sell items that pertain to the collections of the center or  
7 the purpose of the center, or both. Items sold by the store may  
8 be acquired by purchase, gift, or consignment and may be sold on  
9 a commission basis. The Michigan commission for the blind shall  
10 have priority to establish vending and cafeteria operations, as  
11 authorized by ~~Act No. 260 of the Public Acts of 1978, being~~  
12 ~~sections~~ 1978 PA 260, MCL 393.351 to 393.368, in the center.

13       (2) A charge shall be established for each item offered for  
14 sale at the store. The charge may include markups and discounts  
15 that are commensurate with industry practice. The ~~secretary of~~  
16 ~~state~~ DEPARTMENT may accept cash, check, or credit card payments  
17 as compensation for items sold at the store. The ~~secretary of~~  
18 ~~state~~ DEPARTMENT shall determine which credit cards will be  
19 accepted for payment. The ~~secretary of state~~ DEPARTMENT may  
20 purchase and place advertisements concerning items offered for  
21 sale at the store. The store may utilize the services of high  
22 school cooperative students and volunteers.

23       (3) The museum operations fund is created in the state  
24 treasury. The money collected under subsection (1) shall be  
25 credited to and deposited in the museum operations fund and an  
26 unexpended balance at the close of the fiscal year shall not  
27 revert to the general fund but shall remain in the museum

1 operations fund for future expenditures under this subsection.

2 Money in the museum operations fund may be used to do any of the  
3 following:

4 (a) Purchase artifacts for the collections of the center.

5 (b) Restore artifacts in the collections of the center.

6 (c) Advertise and pay for educational programs, special  
7 exhibits, and special events, including performers, presented at  
8 the center or another museum or historical facility operated by  
9 the ~~secretary of state~~ DEPARTMENT.

10 (d) Provide free materials to school groups.

11 (e) Purchase items offered for sale at the store.

12 (f) Pay for any other expense incurred by the center or by  
13 another museum or historical facility administered by the  
14 ~~secretary of state~~ DEPARTMENT.

15 (4) As used in this section:

16 (a) "Center" means the Michigan historical center.

17 (b) "Store" means the retail sales store located in the  
18 ~~Michigan historical~~ center, as authorized in this section.

19 Sec. 8a. The ~~commission~~ DEPARTMENT shall ~~make~~  
20 PROMULGATE rules ~~and regulations~~ necessary to carry out the  
21 provisions of this act pursuant to ~~Act No. 88 of the Public Acts~~  
22 ~~of 1943, as amended, being sections 24.71 to 24.82, of the~~  
23 ~~Compiled Laws of 1948~~ THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
24 1969 PA 306, MCL 24.201 TO 24.328.

25 Sec. 10. As used in this act:

26 (a) "Commission" means the Michigan historical commission  
27 created under section 1.

1 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND  
2 CULTURE.

3 (C) ~~(b)~~ "Record" means a document, paper, book, letter, or  
4 writing, including a document, paper, book, letter, or writing  
5 prepared by handwriting, typewriting, printing, photostating, or  
6 photocopying; a photograph; a film; a map; a magnetic or paper  
7 tape; a microform; a magnetic or punch card; a disc, drum, sound,  
8 or video recording; an electronic data processing material; or  
9 another recording medium, and includes individual letters, words,  
10 pictures, sounds, impulses, or symbols, or a combination of  
11 these, regardless of physical form or characteristics.

12 Enacting section 1. This amendatory act does not take  
13 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4941  
14 (request no. 02873'01) of the 91st Legislature is enacted into  
15 law.