

Act No. 66
Public Acts of 2001
Approved by the Governor
July 23, 2001
Filed with the Secretary of State
July 24, 2001
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Reps. Kooiman and Stewart

ENROLLED HOUSE BILL No. 4944

AN ACT 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, 2, 4a, 6, 7, 7a, 8a, and 10 (MCL 399.1, 399.2, 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:

Sec. 1. (1) There is hereby created within the department a commission to be known as the Michigan historical commission. The commission shall consist of the following members:

- (a) One member appointed by the speaker of the house of representatives.
- (b) One member appointed by the senate majority leader.

(c) Seven members appointed by the governor by and with the advice and consent of the senate. One of the members appointed under this subdivision shall be a representative of the historical society of Michigan. The governor shall make this appointment from a list of 3 persons nominated by the historical society of Michigan.

- (d) The director of the department, serving as an ex officio member.

(2) A member of the commission shall not receive any compensation for his or her services, except actual and necessary expenses while attending the meetings or carrying out the purposes of the commission.

Sec. 2. The governor shall appoint members of the commission under section 1(1)(c) for the following terms: One for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1 for 5 years, and 1 for 6 years, and thereafter 1 member annually for a term of 6 years until their successors shall have been appointed and qualified. The additional member appointed by the governor as provided for in the 2001 amendatory act that amended this section shall serve for a term of 6 years and until his or her successor is appointed and qualified.

(2) A member of the commission appointed to the commission by the speaker of the house of representatives or the senate majority leader under section 1(1)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative.

Sec. 4a. (1) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section from a person under a written agreement specifying that the record is for retention in the state archives, but is

confidential, shall be kept confidential and shall not be open to public inspection or copying for a period stated in the agreement, which period shall not be more than 20 years or until the death of the person, whichever occurs first.

(2) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section from a governmental agency that maintained the material on a confidential basis shall be kept confidential pursuant to the terms of a written agreement. The written agreement shall be signed by the secretary of state or a representative of the department and a representative of the donating agency, shall specify the terms and conditions under which the record is to be kept confidential, and may include provision for releasing the record for research purposes provided the name of each individual identified in the record is protected from disclosure.

(3) This section does not apply to a record that is not exempt from the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, before receipt by the secretary of state or the department.

Sec. 6. (1) The department shall prepare for publication the material referred to in section 4. The volumes shall be printed and bound in substantial uniformity with the volumes issued by other historical societies and the several state departments. That printing, together with bulletins, including a historical journal, and book reprints, maps, articles, calendars, and related items as may be determined by the department, shall be paid out of the appropriations made by the legislature.

(2) The department may establish, raise, and lower a selling price for books, reprints, maps, articles, calendars, and related items and may sell those materials.

Sec. 7. (1) The department shall be the custodian of the historical publications and may distribute, exchange, or both distribute and exchange the publications with domestic and foreign states, governments, and institutions.

(2) The department shall publish a journal entitled Michigan history and shall furnish 1 copy of the journal, free of charge, to each cooperative library in this state, if officially requested to do so by the officers of the library.

(3) The department shall furnish to each member of the legislature 1 copy of each journal published during the legislator's term, free of charge, if requested to do so by the legislator.

(4) Except as provided in subsections (2) and (3), the department shall sell each copy of the journal, Michigan history, at a price set by the department. The printing, distribution, and promotion costs incurred by the journal shall be paid exclusively from the Michigan heritage publications fund.

(5) The department may raise or lower the selling price of Michigan history to reflect changes in printing, distribution, and promotion costs incurred by the journal.

(6) The money collected from the sale of Michigan history and the material listed in section 6(2) shall be credited to a revolving fund, which is hereby created and which shall be referred to as the Michigan heritage publications fund. The state treasurer shall direct the investment of the Michigan heritage publications fund. The state treasurer shall credit to the Michigan heritage publications fund interest and earnings from fund investments. Money in the Michigan heritage publications fund shall be used to pay the printing, distribution, and promotion costs of Michigan history and the material listed in section 6(2). Money in the Michigan heritage publications fund at the close of the fiscal year shall remain in the Michigan heritage publications fund and shall not lapse to the general fund.

Sec. 7a. (1) The department may establish and administer a store in the center. The store may acquire and sell items that pertain to the collections of the center or the purpose of the center, or both. Items sold by the store may be acquired by purchase, gift, or consignment and may be sold on a commission basis. The Michigan commission for the blind shall have priority to establish vending and cafeteria operations, as authorized by 1978 PA 260, MCL 393.351 to 393.368, in the center.

(2) A charge shall be established for each item offered for sale at the store. The charge may include markups and discounts that are commensurate with industry practice. The department may accept cash, check, or credit card payments as compensation for items sold at the store. The department shall determine which credit cards will be accepted for payment. The department may purchase and place advertisements concerning items offered for sale at the store. The store may utilize the services of high school cooperative students and volunteers.

(3) The museum operations fund is created in the state treasury. The money collected under subsection (1) shall be credited to and deposited in the museum operations fund and an unexpended balance at the close of the fiscal year shall not lapse to the general fund but shall remain in the museum operations fund for future expenditures under this subsection. The state treasurer shall direct the investment of the museum operations fund. The state treasurer shall credit to the museum operations fund interest and earnings from fund investments. Money in the museum operations fund may be used to do any of the following:

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

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

(c) Advertise and pay for educational programs, special exhibits, and special events, including performers, presented at the center or another museum or historical facility operated by the department.

(d) Provide free materials to school groups.

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

(f) Pay for any other expense incurred by the center or by another museum or historical facility administered by the department.

(4) As used in this section:

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

(b) "Store" means the retail sales store located in the center, as authorized in this section.

Sec. 8a. The department shall promulgate rules necessary to carry out the provisions of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 10. As used in this act:

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

(b) "Department" means the department of history, arts, and libraries.

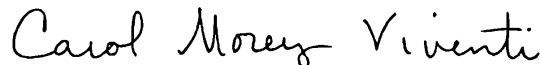
(c) "Record" means a document, paper, book, letter, or writing, including a document, paper, book, letter, or writing prepared by handwriting, typewriting, printing, photostating, or photocopying; a photograph; a film; a map; a magnetic or paper tape; a microform; a magnetic or punch card; a disc, drum,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

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4941 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.