

HOUSE BILL No. 5423

September 22, 2009, Introduced by Rep. Cushingberry and referred to the Committee on Appropriations.

A bill to amend 2001 PA 63, entitled
"History, arts, and libraries act,"
by amending the title and sections 1, 2, 5, 9, and 11 (MCL 399.701,
399.702, 399.705, 399.709, and 399.711), the title and section 2 as
amended and section 9 as added by 2008 PA 559; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to create a ~~department of history, arts, and libraries~~
MICHIGAN COUNCIL FOR CULTURAL AFFAIRS; ~~to provide for its~~
~~administration; to provide for its powers, duties, functions, and~~
~~responsibilities; and to establish the Michigan council for the~~
arts fund; **AND TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE**

1 **AGENCIES AND OFFICIALS.**

2 Sec. 1. This act shall be known and may be cited as the
3 ~~"history, arts, and libraries act"~~ **"COUNCIL FOR ARTS AND CULTURAL**
4 **AFFAIRS ACT"**.

5 Sec. 2. As used in this act:

6 (a) "Council" means the Michigan council for arts and cultural
7 affairs ~~established by Executive Order No. 1991-21~~ **CREATED IN**
8 **SECTION 11.**

9 (b) "Department" means the department of ~~history, arts, and~~
10 ~~libraries created in section 3~~ **STATE.**

11 ~~—— (c) "Director" means the director of the department.~~

12 (C) ~~(d)~~ "Fund" means the Michigan council for the arts fund
13 created in section 9.

14 (D) ~~(e)~~ "Person" means an individual, partnership,
15 corporation, association, governmental entity, or other legal
16 entity.

17 ~~—— (f) "Type II transfer" means that term as it is defined in~~
18 ~~section 3 of the executive organization act of 1965, 1965 PA 380,~~
19 ~~MCL 16.103.~~

20 Sec. 5. ~~The department shall carry out the powers, duties,~~
21 ~~functions, and responsibilities as provided in this act and as~~
22 ~~otherwise provided by law.~~ **THE DEPARTMENT OF HISTORY, ARTS, AND**
23 **LIBRARIES IS ABOLISHED. ALL POWERS, DUTIES, FUNCTIONS, AND**
24 **RESPONSIBILITIES OF THE FORMER DEPARTMENT OF HISTORY, ARTS, AND**
25 **LIBRARIES PROVIDED FOR IN THIS ACT ARE TRANSFERRED TO THE**
26 **DEPARTMENT OF STATE AS A TYPE III TRANSFER AS DESCRIBED IN SECTION**
27 **3 OF THE EXECUTIVE ORGANIZATION ACT OF 1965, 1965 PA 380, MCL**

1 16.103.

2 Sec. 9. (1) The Michigan council for the arts fund is created
3 ~~in the department~~ **WITHIN THE STATE TREASURY**. The fund shall be
4 administered by the department, and money in the fund shall be
5 expended only to fund grants administered by the council.

6 (2) The department shall credit to the fund all amounts
7 appropriated to the fund under this act and any money received as
8 contributions for purposes under this act, including money credited
9 to the fund pursuant to section 435 of the income tax act of 1967,
10 1967 PA 281, MCL 206.435, any interest and earnings accruing from
11 the saving and investment of that money, and any other
12 appropriations, money, or other things of value received by the
13 fund.

14 (3) The state treasurer shall direct the investment of the
15 fund.

16 (4) Money appropriated or money received as a contribution to
17 the fund shall be available for disbursement upon appropriation.

18 (5) Money in the fund at the close of the year shall remain in
19 the fund and shall not lapse to the general fund.

20 (6) **THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR**
21 **AUDITING PURPOSES.**

22 (7) ~~(6)~~ By November 1 of each year, the department shall
23 provide a report to the senate and house of representatives
24 appropriations ~~subcommittees on history, arts, and libraries~~
25 **COMMITTEES** of all revenues to and expenditures from the fund. The
26 report shall include an estimated fund balance for the fiscal year.

27 Sec. 11. (1) The Michigan council for arts and cultural

1 affairs is ~~transferred by a type II transfer to~~ **CREATED WITHIN** the
2 department. The council shall consist of 15 members appointed by
3 the governor.

4 (2) The term of office of each member of the council shall be
5 3 years. A member appointed to fill a vacancy occurring other than
6 by expiration of a term shall be appointed for the unexpired term.

7 (3) The governor shall appoint 1 member of the council as
8 chairperson. The council shall elect other officers as it considers
9 necessary.

10 (4) Members of the council shall not receive compensation, but
11 may be reimbursed for the actual and necessary expenses, including
12 mileage, incurred in carrying out their functions.

13 (5) The council may appoint subcommittees and advisory
14 committees. The ~~director~~ **SECRETARY OF STATE** may assign staff, if
15 requested by the chairperson of the council, to assist the council
16 in performing its functions.

17 (6) The council shall do all of the following:

18 (a) Advise the governor and the director on matters relating
19 to arts and cultural affairs.

20 (b) Disburse, fund, and make grants to public and private arts
21 and cultural entities.

22 (c) Accept gifts, grants, loans, appropriations, or other aid
23 from any person and agree and comply with conditions attached to
24 such gifts, grants, loans, appropriations, or other aid.

25 (d) Make and execute contracts and other instruments with any
26 person, necessary or convenient to the proper exercise of its
27 function.

1 (e) Develop and implement a long-range plan to accomplish its
2 objectives.

3 Enacting section 1. Sections 3, 4, 6, and 7 of 2001 PA 63, MCL
4 399.703, 399.704, 399.706, and 399.707, are repealed.