

SENATE BILL No. 522

September 29, 2015, Introduced by Senators O'BRIEN and HORN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to create the Michigan historical center; to prescribe the authority of the center; to provide for the archives of Michigan and the Michigan historical museum to be under the control and supervision of the center; to provide stewardship for the museum and archival collection of this state; to provide for the management of state and local government records of archival value; to prescribe the powers and duties of certain state and local agencies and officials; and to repeal 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 historical center act".

3 Sec. 2. As used in this act:

4 (a) "Archives" means the archives of Michigan.

5 (b) "Center" means the Michigan historical center.

1 (c) "Commission" means the Michigan historical commission
2 created in the Michigan historical commission act.

3 (d) "Department" means the department of natural resources.

4 (e) "Director" means the director of the department.

5 (f) "Museum" means the Michigan historical museum.

6 (g) "Operations fund" means the Michigan historical center
7 operations fund created in section 8.

8 (h) "Publications fund" means the Michigan heritage
9 publications fund created in section 5.

10 (i) "Record" means any of the following:

11 (i) A document, paper, book, letter, or writing, including a
12 document, paper, book, letter, or writing prepared by handwriting,
13 typewriting, printing, photostating, photocopying, or electronic
14 medium.

15 (ii) A photograph.

16 (iii) A film.

17 (iv) A map.

18 (v) A magnetic or paper tape.

19 (vi) A microform.

20 (vii) A magnetic or punch card.

21 (viii) A disc, drum, sound, or video recording.

22 (ix) An electronic data processing material.

23 (x) Recorded information in any electronic or digital file
24 format, including individual letters, words, pictures, sounds,
25 impulses, or symbols.

26 (xi) A combination of items listed in subparagraphs (i) to
27 (x), regardless of physical form or characteristics.

1 (j) "Rule" means a rule promulgated pursuant to the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328.

4 (k) "Store" means the retail store operated by the center.

5 Sec. 3. (1) The Michigan historical center is established in
6 the department.

7 (2) The archives of Michigan and the Michigan historical
8 museum shall be operated under the control and supervision of the
9 center.

10 (3) Using modern professional practices, the center shall do
11 all of the following:

12 (a) Advise the department on history policies and programs and
13 serve as a forum for citizen concerns and input.

14 (b) Collect, provide stewardship for, and interpret materials,
15 including, but not limited to, archival records in all available
16 media, artifacts, oral histories, and published family history
17 references, that document and illustrate the history of this state
18 and its people. The center shall make these materials available to
19 the public in a manner consistent with their preservation for
20 future generations, using techniques that include, but are not
21 limited to, museum exhibits, historical markers, public programs,
22 public research facilities, and online materials.

23 (c) Create Michigan-focused educational programs and materials
24 that reinforce adopted state educational standards.

25 (d) Provide professional assistance to other state and local
26 government agencies related to records designated for preservation
27 by approved records retention schedules.

1 (e) Use its resources to support heritage tourism and
2 community development in this state.

3 (f) Represent this state in its partnership with the Thunder
4 Bay National Marine Sanctuary and Underwater Preserve.

5 (4) Funds collected by the center for historical markers,
6 document reproduction and services, conferences, admissions,
7 workshops, training classes, and the use of specialized equipment,
8 facilities, exhibits, collections, and software shall be used for
9 expenses necessary to provide the required services. Subject to the
10 annual appropriations process, the center may charge reasonable
11 fees for admissions and other services described in this
12 subsection.

13 (5) The center may accept gifts and bequests, including
14 tangible and intangible property, for the furtherance of its
15 authorized purposes.

16 (6) Money collected under this section shall be forwarded to
17 the state treasurer for deposit into the operations fund.

18 Sec. 4. (1) The center may prepare historical materials for
19 publication in print, electronic, or other format and sell those
20 items at a reasonable price.

21 (2) The department may establish, raise, and lower a selling
22 price for books, reprints, maps, articles, calendars, and related
23 items and may sell those materials. However, those materials shall
24 be sold at a reasonable price.

25 (3) The center and the Historical Society of Michigan both
26 have an interest in materials published in association with
27 Michigan History magazine prior to October 1, 2009. The Historical

1 Society of Michigan shall be considered the owner of all such
2 materials published after that date.

3 (4) The money collected from the sale of all publications or
4 other materials described in this section shall be credited to the
5 publications fund.

6 Sec. 5. (1) The Michigan heritage publications fund is created
7 within the state treasury.

8 (2) The state treasurer may receive money or other assets from
9 any source for deposit into the publications fund. The state
10 treasurer shall direct the investment of the publications fund. The
11 state treasurer shall credit to the publications fund interest and
12 earnings from publications fund investments.

13 (3) Money in the publications fund at the close of the fiscal
14 year shall remain in the publications fund and shall not lapse to
15 the general fund.

16 (4) The department shall be the administrator of the
17 publications fund for auditing purposes.

18 (5) The department shall use money in the publications fund,
19 upon appropriation, to pay the production, printing, distribution,
20 and promotion costs of historical materials listed in section 4 and
21 to support center programs.

22 Sec. 6. (1) The department may authorize the center to
23 establish and operate a store. The store may acquire and sell items
24 that pertain to the collections of the center or the purpose of the
25 center. Items sold by the store may be acquired by purchase, gift,
26 or consignment and may be sold at the discretion of the center. The
27 center shall allow a blind person to have priority to establish

1 vending and cafeteria operations at the center, as authorized by
2 1978 PA 260, MCL 393.351 to 393.368.

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

12 (3) Money collected under this section shall be forwarded to
13 the state treasurer for deposit into the operations fund.

14 (4) For purposes of administering the museum store, the
15 department is exempt from section 261 of the management and budget
16 act, 1984 PA 431, MCL 18.1261.

17 Sec. 7. (1) Within the center, Michigan historical museum
18 responsibilities include, but are not limited to, accessioning and
19 deaccessioning artifacts that should be preserved for future
20 generations, providing stewardship for and access to those
21 artifacts, managing historic sites and museums that are owned by
22 the state, creating interpretive plans and exhibits for its managed
23 sites and other sites within the department with the exception of
24 those operated by the Mackinac State Historic Parks, and
25 administering programs that support and extend the visitor
26 experience at its managed sites.

27 (2) Proceeds in excess of costs incurred in the conduct of

1 auctions, sales, or transfers of artifacts no longer considered
2 suitable for the collection of the museum may be expended upon
3 receipt for additional materials for the collection. The department
4 shall notify the chairpersons, vice-chairpersons, and minority
5 vice-chairpersons of the senate and house appropriations
6 subcommittees on natural resources 1 week prior to any auctions or
7 sales.

8 (3) Money collected under this section shall be forwarded to
9 the state treasurer for deposit into the operations fund.

10 Sec. 8. (1) The Michigan historical center operations fund is
11 created within the state treasury.

12 (2) The state treasurer may receive money or other assets from
13 any source for deposit into the operations fund. The state
14 treasurer shall direct the investment of the operations fund. In
15 consultation with the department, the state treasurer may create
16 subaccounts within the operations fund. The state treasurer shall
17 credit to the operations fund interest and earnings from operations
18 fund investments.

19 (3) Money in the operations fund at the close of the fiscal
20 year shall remain in the operations fund and shall not lapse to the
21 general fund.

22 (4) The department shall be the administrator of the
23 operations fund for auditing purposes.

24 (5) The department shall expend money in the operations fund,
25 upon appropriation, to do any of the following:

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

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

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

5 (d) Provide free materials to school groups.

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

7 (f) Pay for any other expense incurred by the center.

8 Sec. 9. Within a site the center operates, the archives of
9 Michigan shall provide stewardship for archival records in all
10 media, oral histories, and published family history reference
11 materials. The archives' responsibilities include, but are not
12 limited to, determining which state government records should be
13 transferred to the archives for permanent preservation, collecting
14 and preserving other records that document life in this state,
15 creating on-site and online access to its collections, certifying
16 state documents, including the current state constitution, for
17 legal purposes, and working with local governments to ensure the
18 preservation of their archival records.

19 Sec. 10. (1) A record obtained by the archives from a
20 governmental agency that maintained the material on a confidential
21 basis shall be kept confidential pursuant to the terms of a written
22 agreement. The written agreement shall be signed by the director or
23 a representative of the department and a representative of the
24 donating agency, shall specify the terms and conditions under which
25 the record is to be kept confidential, and may include a provision
26 for releasing the record for research purposes if the name of each
27 individual identified in the record is protected from disclosure.

1 (2) If the archives obtains a record from a person under a
2 written agreement specifying that the record is confidential, the
3 archives shall keep the record confidential and not make the record
4 open to public inspection or copying for the period stated in the
5 agreement, which shall not be more than 20 years, or shall
6 terminate at the death of the person, whichever occurs first.

7 (3) This section applies only to a record that is exempt from
8 the disclosure requirements of the freedom of information act, 1976
9 PA 442, MCL 15.231 to 15.246, before receipt by the archives.

10 (4) A public record that is classified as confidential,
11 including, but not limited to, birth records and death records,
12 shall be made available for inspection and copying 75 years after
13 the creation of that record. However, birth name indexes shall be
14 made available after 100 years and a birth record shall be made
15 available for inspection and copying 110 years after the creation
16 of that record.

17 Sec. 11. (1) The archives may collect from the public offices
18 in this state records that are not in current use and are of value,
19 in the opinion of the archives. A public official shall assist the
20 archives in the collection of these records. The archives is the
21 legal custodian of these records collected and transferred to its
22 possession. The archives shall provide for record preservation,
23 classification, arranging, and indexing so that they may be made
24 available for the use of the public. If the archives determines
25 that a public institution has a fireproof building and suitable
26 arrangements for carefully keeping and safely storing a county's
27 records, records may be left in the possession of that institution.

1 A list of the county records in the possession of another public
2 institution shall be furnished to the archives and shall be kept in
3 its office. A copy of the finding of the archives that such
4 depository is a safe and a proper one in its opinion shall be made
5 a part of the official records of the archives. If made and
6 certified to by the archivist of the center, a copy of such a
7 record shall be admitted in evidence in court, with the same effect
8 as if certified to by the original custodian of the record.

9 (2) A record that is required to be kept by a public officer
10 in the discharge of duties imposed by law, that is required to be
11 filed in a public office, or that is a memorial of a transaction of
12 a public officer made in the discharge of a duty is the property of
13 this state and shall not be disposed of, mutilated, or destroyed
14 except as provided by law. This section does not apply to a bond,
15 bill, note, interest coupon, or other evidence of indebtedness
16 issued by a state, county, multicounty, school, or municipal
17 agency, department, board, commission, or institution of
18 government. The directing authority of each state, county,
19 multicounty, school, or municipal agency, department, board,
20 commission, or institution of government shall present to the
21 archives a certified schedule governing disposal of, or a certified
22 list or description of, the records that are useless and of no
23 value to the governmental agency and to its duties to the public.
24 The archives shall then inspect the records and shall requisition
25 for transfer from the directing authority to the archives those
26 records that the archives considers valuable.

27 (3) As soon as possible after the inspection by the archives

1 and the transfer of records considered valuable are completed, the
2 directing authority of the agency, department, board, commission,
3 or institution shall submit the records retention schedule
4 governing the disposal of, or the remainder of the list of, the
5 records to the state administrative board, which shall approve or
6 disapprove the disposal schedule or list and order the destruction
7 of the valueless records accordingly.

8 Sec. 12. The department may promulgate rules necessary to
9 implement this act.

10 Enacting section 1. 1913 PA 271, MCL 399.1 to 399.10, is
11 repealed.

12 Enacting section 2. This act takes effect 90 days after the
13 date it is enacted into law.

14 Enacting section 3. This act does not take effect unless
15 Senate Bill No. 521
16 of the 98th Legislature is enacted into law.