

Act No. 470
Public Acts of 2016
Approved by the Governor
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senators O'Brien and Horn

ENROLLED SENATE BILL No. 522

AN ACT 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:

Sec. 1. This act shall be known and may be cited as the "Michigan historical center act".

Sec. 2. As used in this act:

- (a) "Archives" means the archives of Michigan.
- (b) "Center" means the Michigan historical center.
- (c) "Commission" means the Michigan historical commission created in the Michigan historical commission act.
- (d) "Department" means the department of natural resources.
- (e) "Director" means the director of the department.
- (f) "Museum" means the Michigan historical museum.
- (g) "Operations fund" means the Michigan historical center operations fund created in section 8.
- (h) "Publications fund" means the Michigan heritage publications fund created in section 5.
- (i) "Record" means any of the following:
 - (i) A document, paper, book, letter, or writing, including a document, paper, book, letter, or writing prepared by handwriting, typewriting, printing, photostating, photocopying, or electronic medium.
 - (ii) A photograph.
 - (iii) A film.
 - (iv) A map.
 - (v) A magnetic or paper tape.
 - (vi) A microform.
 - (vii) A magnetic or punch card.
 - (viii) A disc, drum, sound, or video recording.
 - (ix) An electronic data processing material.
 - (x) Recorded information in any electronic or digital file format, including individual letters, words, pictures, sounds, impulses, or symbols.

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

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

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

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

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

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

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

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

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

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

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

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

(g) Provide professional expertise and leadership for the preservation and interpretation of history on state lands.

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

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

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

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

(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. However, those materials shall be sold at a reasonable price.

(3) The center and the Historical Society of Michigan both have an interest in materials published in association with Michigan History magazine prior to October 1, 2009. The Historical Society of Michigan shall be considered the owner of all such materials published after that date.

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

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

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

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

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

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

Sec. 6. (1) The department may establish and operate a store at the center or may enter into an agreement for the establishment and operation of a store at the center. The store may acquire and sell items that pertain to the collections of the center or the purpose of the center. Items sold by the store may be acquired by purchase, gift, or consignment and may be sold at the discretion of the center. The center shall allow a blind person to have priority to establish vending and cafeteria operations at the center, as authorized by 1978 PA 260, MCL 393.351 to 393.368.

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

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

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

(2) Proceeds in excess of costs incurred in the conduct of auctions, sales, or transfers of artifacts no longer considered suitable for the collection of the museum may be expended upon receipt for additional materials for the collection. The department shall notify the chairpersons, vice-chairpersons, and minority vice-chairpersons of the senate and house appropriations subcommittees on natural resources 1 week prior to any auctions or sales.

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

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

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

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

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

(5) The department shall expend money in the operations fund, upon appropriation, 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.

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

Sec. 10. (1) A record obtained by the archives 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 director 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 a provision for releasing the record for research purposes if the name of each individual identified in the record is protected from disclosure.

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

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

(4) A public record that is classified as confidential, including, but not limited to, birth records and death records, shall be made available for inspection and copying 75 years after the creation of that record. However, birth name

indexes shall be made available after 100 years and a birth record shall be made available for inspection and copying 110 years after the creation of that record.

Sec. 11. (1) The archives may collect from the public offices in this state records that are not in current use and are of value, in the opinion of the archives. A public official shall assist the archives in the collection of these records. The archives is the legal custodian of these records collected and transferred to its possession. The archives shall provide for record preservation, classification, arranging, and indexing so that they may be made available for the use of the public. If the archives determines that a public institution has a fireproof building and suitable arrangements for carefully keeping and safely storing a county's records, records may be left in the possession of that institution. A list of the county records in the possession of another public institution shall be furnished to the archives and shall be kept in its office. A copy of the finding of the archives that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the archives. If made and certified to by the archivist of the center, a copy of such a record shall be admitted in evidence in court, with the same effect as if certified to by the original custodian of the record.

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

(3) As soon as possible after the inspection by the archives and the transfer of records considered valuable are completed, the directing authority of the agency, department, board, commission, or institution shall submit the records retention schedule governing the disposal of, or the remainder of the list of, the records to the state administrative board, which shall approve or disapprove the disposal schedule or list and order the destruction of the valueless records accordingly.

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

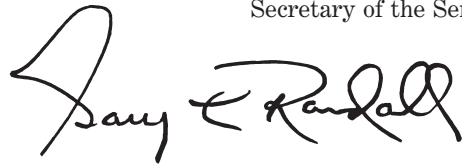
Enacting section 1. 1913 PA 271, MCL 399.1 to 399.10, is repealed.

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

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



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor