

# Legislative Analysis



## MICHIGAN HISTORY CENTER AND HISTORICAL MARKERS UPDATES

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Senate Bill 553 as reported from House committee  
Senate Bill 554 as reported from House committee as (H-1)  
Senate Bills 555-561 as reported from House committee  
Senate Bill 562 (S-1) as reported from House committee  
Senate Bills 563-565 as reported from House committee

Sponsor: Sen. Goeff Hansen (SBs 553-557)  
Sponsor: Sen. Wayne Schmidt (SBs 558-561)  
Sponsor: Sen. Mike Green (SBs 562-565)

House Committee: Tourism and Outdoor Recreation  
Senate Committee: Outdoor Recreation and Tourism  
Complete to 10-30-17

*(Enacted as Public Acts 176 to 188 of 2017)*

### SUMMARY:

Senate Bills 553 through 565 make various changes to laws surrounding the Michigan Historical Markers program and the Michigan Historical Center. Certain bills would make amendments to the statutes regulating these programs, while numerous bills would update references to the "Michigan History Center" in various statutes.

SBs 553 through 561 would amend the following acts to replace references to 1913 PA 271 with references to the "Michigan History Center Act," 2016 PA 470. 1913 PA 271 was repealed on April 5, 2017 when 2016 PA 470 took effect. The updated references are to section 11 of the Michigan [Historical] Center Act, which governs the retention and disposal of public records.

[2016 PA 470 is currently titled the "Michigan Historical Center Act," but would be renamed the "Michigan History Center Act" under SB 564.]

SB 553: The General Property Tax Act (MCL 211.24)  
SB 554: Business Corporation Act (MCL 450.1913)  
SB 555: Nonprofit Corporation Act (MCL 450.2913)  
SB 556: Revised Judicature Act of 1961 (MCL 600.1428)  
SB 557: 1964 PA 105 (reproduction of records; MCL 691.1101)  
SB 558: 1957 PA 29 (files and records in probate courts; MCL 720.551)  
SB 559: Michigan Penal Code (MCL 750.491).  
SB 560: Legal Defense Fund Act (MCL 15.531)  
SB 561: Michigan Campaign Finance Act (MCL 169.216)

SBs 553 through 561 would take effect 90 days after being enacted into law. (SB 554 (H-1), reported from committee, added this effectiveness provision to that bill.) Additionally, each bill is tie-barred to SB 564, meaning that none could take effect unless SB 564 were enacted into law.

Senate Bill 562 would amend the Michigan Historical Markers Act (MCL 399.151 et seq.). It would do all of the following:

- Rename the act as the “Governor John B. Swainson Michigan Historical Markers Act” and update multiple definitions within the act.
- Allow the Department of Natural Resources (DNR), after consultation with the Michigan Historical Commission (commission), to enter into an agreement to assist with the administration of the Michigan Historical Marker Program.
- Revise the goals of the Historical Marker Program.
- Require the DNR to maintain the state register of historic sites, including updates of any markers and locations approved by the commission.
- Require the DNR to provide information to the public about the register of historic sites, the database, and the program through online and print media.
- Allow the commission to apply for a historical marker on its own motion, with consent from the landowner.
- Remove an application fee exemption for agencies, require the center to forward the existing \$250 application fee for deposit into the Michigan History Center Operations Fund, and require other funds received under the act to be forwarded to the same Operations Fund.
- Give the commission, rather than the center, the power to approve marker applications.
- Require the center to arrange for preparation of a marker, if approved, with preference given to a Michigan-based company, and require the applicant to pay the cost of the marker.
- Require all markers to include the text “Michigan History Center and Michigan Historical Commission”.
- Allow markers to reference Michigan as the “Great Lakes State” and require that markers be dark green with gold lettering.
- Require agencies or people in possession of a site where a marker is displayed to maintain it according to standards set by the DNR and permit removal of a marker where proper maintenance has not been achieved.
- Delete an existing misdemeanor offense for using a marker’s design, configuration, or pattern without the DNR’s written permission.
- Provide a 1-year window after the effective date of the bill for a person to return a marker to the DNR or sheriff’s department without penalty of larceny or other violation.
- Transfer any money in the Historical Marker Fund to the Michigan History Center Operations Fund and allow funds for the Historical Marker Program to be used for tourism and education programs.

SB 562 would take effect 90 days after being enacted into law and is tie-barred to SBs 564 and 565.

Senate Bill 563 would amend the Natural Resources and Environmental Protection Act (MCL 324.63502) to include as a “historic resource” under the act a site listed on the state register of historic sites pursuant to the “Governor John B. Swainson Michigan Historical Markers Act”.

SB 563 would take effect 90 days after being enacted into law and is tie-barred to SB 562.

Senate Bill 564 would amend the Michigan Historical Center Act (MCL 399.801 et al.) to make the following changes:

- Replace the word “historical” with “history” in the name of the act, the Michigan Historical Center, Michigan Historical Museum, and Michigan Historical Center Operations Fund.
- Require money and fees collected by the center to be forwarded for deposit into the Operations Fund; and allow funds to be used to implement the Governor John B. Swainson Michigan Historical Markers Act.
- Require the DNR to prepare an annual report of revenues and expenditures from the operations fund for the previous fiscal year, including information about the location of markers erected; and require the report be provided to Legislative committees.

SB 564 would take effect 90 days after being enacted into law and is tie-barred to SB 563 and 565.

Senate Bill 565 would amend the Michigan Historical Commission Act (MCL 388.832, 399.833) to update references to the Michigan Historical Center to “Michigan History Center”.

SB 565 would take effect 90 days after being enacted into law and is tie-barred to SBs 562 and 564.

#### **BRIEF BACKGROUND:**

For more information about the Michigan History Center, Michigan Historical Commission, and Historical Markers Program, please see the following:

- <http://www.michigan.gov/mhc/> (Michigan History Center)
- [http://www.michigan.gov/mhc/0,4726,7-282-65121\\_61084\\_62918---,00.html](http://www.michigan.gov/mhc/0,4726,7-282-65121_61084_62918---,00.html) (Michigan Historical Commission)
- [http://www.michigan.gov/mhc/0,4726,7-282-65121\\_62907---,00.html](http://www.michigan.gov/mhc/0,4726,7-282-65121_62907---,00.html) (Historical Markers Program)

#### **FISCAL IMPACT:**

Senate Bills 553 through 561 are unlikely to have a fiscal impact on the Department of Natural Resources or local units of government. These bills would update statute to recognize the passage of the Michigan Historical Center Act (2016 PA 470), which codified existing law and executive orders governing the Michigan Historical Museum and state archives. This public act merged the former History Fees Fund and Museum Operations Fund into the newly created Michigan Historical Center Operations Fund. These two former funds generated approximately \$186,400 and \$466,000, respectively, in FY 2015-16 revenue. The new fund supports DNR’s annual appropriation for the Michigan Historical Center in the FY 2017-18 budget. These bills are not expected to affect this funding or appropriation.

Senate Bill 562 would increase DNR revenues by removing an application fee exemption for agencies applying for a historical marker. However, it is unclear how many additional application fees would be received by the department as a result of this change; the application

fee is \$250. The bill may also increase departmental costs by allowing for the DNR to remove historical markers that are not properly maintained in accordance with standards prescribed by the department. It would also transfer the remaining balance in the Historical Marker Fund to the Michigan Historical Center Operations Fund established in the Michigan Historical Center Act (2016 PA 470); the department estimates this transfer to be between \$50,000 and \$60,000.

Depending on the number of people who were actually charged with a misdemeanor under the provisions of Senate Bill 562 that are being eliminated, the bill could result in a decrease in costs for local units of government related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in county jails and local misdemeanor probation supervision vary by jurisdiction. There could also be a decrease in penal fine revenues which would decrease funding for local libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 563 is unlikely to have a fiscal impact on the DNR or local units of government.

Senate Bill 564 would increase administrative costs for the DNR by requiring the department to produce an annual report of revenues and expenditures from the Michigan Historical Center Operations Fund. The extent of this cost increase is unclear, as the resources required to produce the annual report are yet to be determined. The bill is unlikely to affect DNR revenues or local units of government.

Senate Bill 565 is unlikely to have a fiscal impact on the DNR or local units of government.

## **POSITIONS:**

A representative of the Department of Natural Resources testified in support of the bills. (10-18-17)

A representative of the Michigan History Center testified in support of the bills. (10-18-17)

A representative of the Michigan Trails and Greenways Alliance testified in support of the bills. (10-18-17)

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Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.