

# SENATE BILL No. 562

September 13, 2017, Introduced by Senator GREEN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1955 PA 10, entitled  
"Michigan historical markers act,"  
by amending sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (MCL  
399.151, 399.152, 399.153, 399.154, 399.155, 399.156, 399.157,  
399.158, 399.159, and 399.160), sections 1 and 2 as amended and  
sections 3, 4, 5, 6, 7, 8, 9, and 10 as added by 2002 PA 488.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2       "GOVERNOR JOHN B. SWAINSON Michigan historical markers act".

3       Sec. 2. As used in this act:

4       (a) "Application" means ~~applying~~ **A REQUEST** for the placement  
5       of an official Michigan historical marker at the location of a  
6       historic resource or site and for the resource's or site's listing  
7       in the state register of historic sites.

8       (b) "Center" means the Michigan ~~historical~~ **HISTORY** center

1 established in the ~~department~~ **MICHIGAN HISTORY CENTER ACT, 2016 PA**  
2 **470.**

3 (c) "Commission" means the Michigan historical commission  
4 created in section ~~1 of 1913 PA 271, MCL 399.1.3~~ **OF THE MICHIGAN**  
5 **HISTORICAL COMMISSION ACT, 2016 PA 469, MCL 399.833.**

6 (d) "Department" means the department of ~~history, arts, and~~  
7 ~~libraries created in section 3 of the history, arts, and libraries~~  
8 ~~act, 2001 PA 63, MCL 399.703.~~ **NATURAL RESOURCES.**

9 (E) **"FUND" MEANS THE MICHIGAN HISTORY CENTER OPERATIONS FUND**  
10 **CREATED IN SECTION 8 OF THE MICHIGAN HISTORY CENTER ACT, 2016 PA**  
11 **470, MCL 399.808.**

12 (F) ~~(e)~~ "Historic resource" means a publicly or privately  
13 owned building, structure, site, object, or open space of historic  
14 significance to ~~Michigan~~ **THIS STATE, INCLUDING PLACES ASSOCIATED**  
15 **WITH A SIGNIFICANT INDIVIDUAL, GROUP, OR EVENT IN THIS STATE.**

16 (G) ~~(f)~~ "Historic significance" means value in relation to  
17 historical, architectural, archaeological, engineering,  
18 **TECHNOLOGICAL**, or cultural disciplines.

19 (H) **"MARKER" OR "OFFICIAL MICHIGAN HISTORICAL MARKER" MEANS**  
20 **MICHIGAN HISTORICAL MARKER SIGNAGE AS APPROVED BY THE COMMISSION**  
21 **UNDER THIS ACT.**

22 (I) **"MICHIGANDER" MEANS A RESIDENT OF THE STATE OF MICHIGAN.**

23 (J) ~~(g)~~ "Person" means an individual, partnership,  
24 corporation, association, or other private legal entity.

25 (K) ~~(h)~~ "Work" means construction, addition, alteration,  
26 repair, moving, excavation, or demolition.

27 Sec. 3. ~~Historic~~ **THE preservation OF HISTORY, CULTURE, and**

related public education are declared to be public purposes. In fulfillment of these purposes, the department may administer a Michigan historical marker program. ~~with the following goals:~~ **AFTER FORMAL CONSULTATION WITH THE COMMISSION, THE DEPARTMENT MAY ENTER INTO AN AGREEMENT TO ASSIST WITH ADMINISTRATION OF THE MICHIGAN HISTORICAL MARKER PROGRAM. USING MODERN PROFESSIONAL PRACTICES, THE CENTER SHALL ENSURE THAT THE MICHIGAN HISTORICAL MARKER PROGRAM MEETS THE FOLLOWING GOALS:**

(a) Identify and locate historic sites, ~~and~~ **EVENTS, OBJECTS, subjects, AND PERSONS** having historic significance to this state.

(b) Educate the public about significant people, places, **EVENTS**, and things in Michigan history and thereby develop the public's knowledge of the importance of Michigan history.

(c) Encourage the public to preserve historic resources ~~indicative of Michigan history~~ and to develop a sense of identity as ~~Michiganians~~ **MICHIGANDERS**.

(d) Enhance cultural tourism in this state by encouraging residents and visitors to investigate ~~Michigan history~~ **HISTORIC RESOURCES** and ~~the~~ **THIS** state's ~~historic~~ **HERITAGE** sites.

(e) Unite people from various regions of this state through improved dissemination of information about historic resources ~~and places~~ **AND THIS STATE'S HERITAGE AND CULTURAL RESOURCES**.

Sec. 4. The department ~~may list a historic resource or site in~~ **SHALL MAINTAIN** the state register of historic sites. ~~and commemorate the resource or site with the placement of an official Michigan historical marker if the historic resource or site meets written criteria adopted by the department upon recommendation of~~

~~the commission.~~ **MARKERS AND LOCATIONS APPROVED BY THE COMMISSION SHALL BE ADDED TO THE STATE REGISTER OF HISTORIC SITES. THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE PUBLIC REGARDING THE STATE REGISTER OF HISTORIC SITES, THE MARKER DATABASE, AND THE MICHIGAN HISTORICAL MARKER PROGRAM THROUGH ONLINE, PRINTED, OR OTHER MEDIA.**

Sec. 5. (1) An application may be filed by 1 of the following persons or agencies:

(a) A person owning or in possession of a historic resource ~~or site~~ or a person having written consent from the owner or person in possession of a historic resource. ~~or site.~~

(b) A department or agency of this state or of a political subdivision of ~~the~~ **THIS** state owning, controlling, or in possession of a historic resource. ~~or site.~~

**(C) THE COMMISSION ON ITS OWN MOTION WITH CONSENT FROM THE LANDOWNER.**

(2) A person or agency may submit **AN** application **FOR A MARKER** to the center only on a form prescribed by ~~and obtained from the~~ center **IN CONSULTATION WITH THE COMMISSION.** The form shall include all requested information and be accompanied by the following attachments:

(a) Current **AND, IF AVAILABLE, HISTORIC** images. ~~as prescribed by the center.~~

(b) Documentation **SUPPORTING REPRESENTATIONS IN THE APPLICATION** from ~~a recognized and authoritative source acceptable to the center,~~ **SOURCES**, supporting the historic significance of the historic resource. ~~This documentation shall demonstrate the~~

~~historic significance of the historic resource.~~

(c) Any additional documents ~~required by the center.~~**REQUESTED.**

(3) An application and all attachments submitted to the center under subsection (2) become the property of ~~the~~**THIS** state.

(4) An applicant ~~other than an agency~~ shall pay the center an application fee of \$250.00 at the time an application is submitted.

**THE DEPARTMENT OF TREASURY SHALL INCREASE THIS AMOUNT ANNUALLY, AS APPROPRIATE, ACCORDING TO INCREASES TO THE CONSUMER PRICE INDEX.**

The center may not process an application without this fee. The center shall **FORWARD THE FEE TO THE STATE TREASURER FOR** deposit ~~the fee in~~**INTO** the ~~historical marker fund. created in section 9.~~The center shall refund the fee if the center decides the historic resource is not eligible for a ~~historical marker.~~

(5) The center shall review each application for completeness and accuracy. The center's review may include verification of the accuracy of furnished information and the location of the historic resource or site. The center may ~~require~~**REQUEST** the applicant to furnish additional information considered necessary to complete the center's review of the application and attachments. ~~Center representatives may visit the site if necessary.~~

(6) Submission of an application does not guarantee that a historic resource or site will receive an official Michigan historical marker. If the ~~center~~**COMMISSION** concludes that the application meets the criteria for the placement of an official Michigan historical marker, the ~~center~~**COMMISSION** shall ~~endorse~~**APPROVE** the application and **THE CENTER SHALL WORK WITH THE SPONSOR TO** prepare marker text for presentation to the commission. However,

1 if the ~~center~~**COMMISSION** concludes that the application fails to  
2 meet a criterion or another requirement for placement of a marker,  
3 the center shall notify the applicant of that decision in writing  
4 and shall specify the reason or reasons why the application is  
5 denied.

6 (7) IF THE COMMISSION APPROVES AN APPLICATION FOR A MARKER,  
7 THE CENTER SHALL ARRANGE FOR A MARKER TO BE PREPARED. THE CENTER  
8 SHALL GIVE A PREFERENCE TO A MICHIGAN-BASED COMPANY FOR THE  
9 PREPARATION OF THE MARKER. BEFORE A MARKER IS ORDERED, THE  
10 APPLICANT SHALL PAY THE FULL ACTUAL COST OF THE MARKER.

11 (8) AS USED IN THIS SECTION, "CONSUMER PRICE INDEX" MEANS THE  
12 MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE  
13 DETROIT AREA FROM THE BUREAU OF STATISTICS IN THE UNITED STATES  
14 DEPARTMENT OF LABOR.

15 Sec. 6. (1) ~~Upon receipt of an application and proposed marker~~  
16 ~~text from the center, the~~**THE** commission shall review, modify if  
17 necessary, and approve the ~~the~~**APPROPRIATE** text, and review and approve  
18 the location for each ~~requested historical marker~~. The commission  
19 shall exercise its judgment and discretion in revising and  
20 approving proposed marker text and may advise the department on  
21 matters pertaining to applications and related decisions. The  
22 department shall issue an official site number for each historic  
23 resource or site designated for placement of an official Michigan  
24 historical marker.

25 (2) An official Michigan historical marker shall not include  
26 or mention the name of a living commissioner or any other living  
27 state official.

(3) An official Michigan historical marker shall include the words "Michigan ~~historical~~ **HISTORY** center, ~~department of history,~~ ~~arts, and libraries~~". ~~AND MICHIGAN HISTORICAL COMMISSION~~". ~~The TO COMPLY WITH THIS SUBSECTION, THE~~ department may ~~retrofit~~ **ALTER** a marker that does not include these words.

(4) An official Michigan historical marker ~~shall have~~ **MAY** **REFERENCE MICHIGAN AS THE "GREAT LAKES STATE" AND SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:**

(A) **BE DARK GREEN WITH GOLD LETTERING.**

(B) **HAVE** a logo or seal with a wolverine emblem **OR GREAT LAKES STATE EMBLEM** in its upper area or crest. ~~and include~~

(C) **INCLUDE** the words "registered Michigan historic site".

(5) The department may enter into a written agreement with another state, local, or federal agency regarding the placement of an official Michigan historical marker on property under the jurisdiction of the agency. The agreement may address security, payment for the marker, and other appropriate matters.

Sec. 7. (1) An official Michigan historical marker approved by the department and the commission is the property of the state of Michigan and is subject to the exclusive control of the department, whether erected on public or private property. In addition to other text on the marker, each marker shall include the conspicuous statement "property of the state of Michigan".

(2) The department shall not abandon an official Michigan historical marker. In all legal proceedings, in this state or elsewhere, there ~~shall be~~ **IS** an irrebuttable presumption against abandonment of the state of Michigan's ownership of an official

1 Michigan historical marker.

2 (3) ~~A~~ **EXCEPT PURSUANT TO WRITTEN PERMISSION OF THE DEPARTMENT,**  
3 **A** person or agency in possession of a historic resource ~~or site~~  
4 where an official Michigan historical marker is displayed shall not  
5 attempt to convey, sell, or otherwise transfer the marker, ~~—A AND~~  
6 **A** conveyance, sale, or transfer **OF THE MARKER** is void. ~~unless made~~  
7 ~~pursuant to written permission from the department.~~

8 (4) Upon discovering that an official Michigan historical  
9 marker may have been stolen or otherwise improperly or unlawfully  
10 removed from the historic resource or site where it was placed, the  
11 department, with advice and assistance from the attorney general,  
12 may commence an action, in this state or elsewhere, to recover the  
13 marker.

14 (5) Upon discovering that an official Michigan historical  
15 marker has been marred, vandalized, or otherwise damaged, the  
16 department, with advice and assistance from the attorney general,  
17 may commence an action, in this state or elsewhere, to recover the  
18 actual replacement cost of the marker, plus taxable costs,  
19 reasonable attorney fees, and interest calculated under section  
20 6013 of the revised judicature act of 1961, 1961 PA 236, MCL  
21 600.6013. ~~Revenue~~ **MONEY** received under this subsection shall be  
22 ~~deposited in~~ **FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO** the  
23 ~~historical marker fund. created in section 9.~~

24 (6) **A PERSON OR AGENCY IN POSSESSION OF A RESOURCE OR SITE**  
25 **WHERE A MARKER IS DISPLAYED SHALL MAINTAIN THE MARKER IN ACCORDANCE**  
26 **WITH STANDARDS PRESCRIBED BY THE DEPARTMENT UPON CONSULTATION WITH**  
27 **THE COMMISSION. FAILURE TO PROPERLY MAINTAIN A MARKER MAY RESULT IN**



1 ITS REMOVAL BY THE DEPARTMENT.

2 Sec. 8. ~~(1) A person or agency shall not exhibit, display, or~~  
3 ~~use an official Michigan historical marker's distinctive design,~~  
4 ~~configuration, pattern, or color combination, including a facsimile~~  
5 ~~of an official Michigan historical marker, for any purpose without~~  
6 ~~the department's written permission. A person or agency that~~  
7 ~~violates this subsection is guilty of a misdemeanor punishable by~~  
8 ~~imprisonment for not more than 90 days or a fine of not more than~~  
9 ~~\$1,000.00, or both.~~

10 (1) ~~(2)~~ A person or agency shall not use for advertising,  
11 retail sales, or any other commercial purpose without the  
12 department's written permission any portion of the seal, emblem,  
13 and logo that appear in the crest of an official Michigan  
14 historical marker. A person or agency that violates this subsection  
15 is guilty of a misdemeanor punishable by imprisonment for not more  
16 than 93 days or a fine of not more than \$5,000.00, or both.

17 (2) ~~(3)~~ A person or agency shall not exhibit, display, or use  
18 a marker's seal, emblem, or logo or a marker's distinctive design,  
19 configuration, pattern, or color combination, including an official  
20 Michigan historical marker's facsimile, to represent his or her  
21 property as a registered Michigan historic site. A person or agency  
22 shall not exhibit, display, or use the seal, emblem, or logo or a  
23 marker's distinctive design, configuration, pattern, or color  
24 combination, including an official Michigan historical marker's  
25 facsimile, in a manner designed to lead another person to believe  
26 that the person's property is an official state historic site. A  
27 person or agency that violates this subsection is guilty of a

1 misdemeanor punishable by imprisonment for not more than 6 months  
2 or a fine of not less than \$2,000.00 or more than \$10,000.00, or  
3 both. If a person allegedly in violation of this subsection  
4 receives written notice from the department that the person is in  
5 apparent violation of the subsection and the person within 60 days  
6 of mailing of the notice ceases the violation by removing or no  
7 longer using the seal, pattern, design, or color combination, or  
8 facsimile, prosecution under this subsection is barred.

9       (3) ~~(4)~~—A person or agency shall not damage, destroy, deface,  
10 remove, tamper with, alter, or possess an official Michigan  
11 historical marker displayed at a historic resource or site without  
12 the department's written permission. A person or agency that  
13 violates this subsection is guilty of a misdemeanor punishable by  
14 imprisonment for not more than 93 days or a fine of not less than  
15 \$500.00 or more than \$5,000.00, or both. ~~A—IN ADDITION, A~~ person  
16 who pleads guilty or nolo contendere or is determined guilty under  
17 this subsection is liable to this state **FOR A CIVIL FINE** in an  
18 amount double the cost of repair, replacement, and restoration of  
19 the official state historic site and official Michigan historical  
20 marker.

21       (4) ~~(5)~~—A person, including a salvage company, commercial  
22 business, or a collector, shall not knowingly accept in trade or  
23 possess an official Michigan historical marker. A person that  
24 violates this subsection is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 6 months or a fine of not less than  
26 \$1,000.00 or more than \$10,000.00, or both. ~~A—IN ADDITION, A~~ person  
27 that pleads guilty or nolo contendere or is determined guilty under

1 this subsection is liable to this state **FOR A CIVIL FINE** in an  
2 amount 3 times the cost of the repair, restoration, or replacement  
3 of the official Michigan historical marker.

4 (5) ~~(6) Within the first 90 days~~ **1 YEAR** after the effective  
5 date of the amendatory act that ~~added~~ **AMENDED** this subsection, a  
6 person possessing an official Michigan historical marker may return  
7 the marker to the department or to the sheriff of the person's  
8 county of residence without penalty for larceny or violating this  
9 act. However, this immunity ~~shall~~ **DOES** not apply to a person that  
10 removed the marker if the removal of the marker resulted in death  
11 or personal injury. A sheriff shall hold a returned marker and  
12 shall notify the department that a marker has been returned. The  
13 department, **WITH THE CONCURRENCE OF THE COMMISSION**, shall determine  
14 the disposition of the returned marker.

15 (6) ~~(7) The amounts~~ **CIVIL FINES** received under ~~the liability~~  
16 ~~provisions of subsections (4) (3) and (5) (4)~~ shall be ~~deposited in~~  
17 **FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO** the ~~historical~~  
18 ~~marker fund. created in section 9.~~

19 Sec. 9. (1) The department may accept gifts, grants, bequests,  
20 and appropriations for the purpose of administering the Michigan  
21 historical marker program, including, but not limited to, the  
22 manufacture and placement of an official Michigan historical  
23 marker, repair and maintenance of a marker, program administration,  
24 application reviews, marker restoration, marker recovery, **TOURISM**  
25 **AND EDUCATION PROGRAMS**, and enforcement of this act. **MONEY RECEIVED**  
26 **UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR**  
27 **DEPOSIT INTO THE FUND.**

1       (2) ~~The amounts received under subsection (1) shall be~~  
 2 ~~credited to a fund, which is created and shall be known as the~~  
 3 ~~historical marker fund. The state treasurer shall direct the~~  
 4 ~~investment of the historical marker fund and shall credit to the~~  
 5 ~~fund all interest and earnings earned from fund investments. Money~~  
 6 ~~in the historical marker fund at the close of the fiscal year shall~~  
 7 ~~remain in the fund and shall not lapse to the general fund. ON THE~~  
 8 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS SECTION, ANY**  
 9 **MONEY IN THE HISTORICAL MARKER FUND IS TRANSFERRED TO THE FUND.**

10       (3) Notwithstanding any balance in the ~~historical marker fund,~~  
 11 ~~nothing in this subsection shall~~ **DOES NOT** obligate the department  
 12 to pay for the maintenance, repair, or replacement of an official  
 13 Michigan historical marker.

14       (4) ~~(3) The department may copyright the text on an official~~  
 15 ~~Michigan historical marker and may register as a trademark or~~  
 16 ~~service mark the logo, seal, and emblem associated with official~~  
 17 ~~Michigan historical markers. The department may license or sell~~  
 18 ~~rights to publish or otherwise use copyrighted marker text and to~~  
 19 ~~use the registered logo, seal, or emblem and shall deposit~~ **FORWARD**  
 20 **amounts received from sales and licensing in TO THE STATE TREASURER**  
 21 **FOR DEPOSIT INTO** the ~~historical marker fund. created in subsection~~  
 22 ~~(2).~~

23       Sec. 10. (1) An official Michigan historical marker placed to  
 24 recognize a particular historic resource may be moved to and placed  
 25 at another nearby site if the commission has been asked to give,  
 26 and has given, written permission for the move.

27       (2) When **DEVELOPING PLANS FOR AND** making alterations to the

1 exterior of a historic resource which has been commemorated by an  
 2 official Michigan historical marker, the owner or other person in  
 3 possession of the historic resource shall follow the United States  
 4 ~~secretary~~ **SECRETARY** of the ~~interior's~~ **INTERIOR'S** standards for  
 5 rehabilitation and guidelines for rehabilitating historic  
 6 buildings, as set forth in 36 ~~C.F.R.~~ **CFR** part 67. ~~, when developing~~  
 7 ~~plans for and performing work on this historic resource.~~ The owner  
 8 or other person in possession of the historic resource may ask the  
 9 center to review work plans prior to commencement of work.

10 (3) The center may withdraw a marker designation and may  
 11 request the return of or may repossess an official Michigan  
 12 historical marker from a historic resource or site if the ~~center~~  
 13 **COMMISSION** determines that the historic resource or site has lost  
 14 its historic significance or integrity.

15 (4) If the center withdraws a marker designation, the person  
 16 or agency in possession of the historic resource or site shall  
 17 immediately return the marker to the center **OR DISPOSE OF IT IN A**  
 18 **MANNER PRESCRIBED BY THE CENTER AND DOCUMENTED IN WRITING.**

19 Enacting section 1. This amendatory act takes effect 90 days  
 20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect  
 22 unless all of the following bills of the 99th Legislature are  
 23 enacted into law:

24 (a) Senate Bill No. 564.

25  
 26 (b) Senate Bill No. 565.