

**SUBSTITUTE FOR  
HOUSE BILL NO. 4944**

A bill to amend 1913 PA 271, entitled

"An act to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith,"

by amending sections 1, 2, 4a, 6, 7, 7a, 8a, and 10 (MCL 399.1, 399.2, 399.4a, 399.6, 399.7, 399.7a, 399.8a, and 399.10), section 4a as amended and section 10 as added by 1992 PA 190, sections 6 and 7 as amended by 1984 PA 309, and section 7a as added by 1988 PA 467.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1. (1) There is hereby created WITHIN THE DEPARTMENT a  
2 commission to be known as the Michigan historical commission.  
3 ~~Said~~ THE commission shall consist of ~~6 members, with the~~

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1 ~~addition of the governor ex-officio; said 6 members shall be~~  
2 ~~appointed by the governor by and with the advice and consent of~~  
3 ~~the senate. No~~ THE FOLLOWING MEMBERS:

4 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF  
5 REPRESENTATIVES.

6 (B) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

7 (C) SEVEN MEMBERS APPOINTED BY THE GOVERNOR BY AND WITH THE  
8 ADVICE AND CONSENT OF THE SENATE. ONE OF THE MEMBERS APPOINTED  
9 UNDER THIS SUBDIVISION SHALL BE A REPRESENTATIVE OF THE HISTORI-  
10 CAL SOCIETY OF MICHIGAN. THE GOVERNOR SHALL MAKE THIS APPOINT-  
11 MENT FROM A LIST OF 3 PERSONS NOMINATED BY THE HISTORICAL SOCIETY  
12 OF MICHIGAN.

13 (D) THE DIRECTOR OF THE DEPARTMENT, SERVING AS AN EX OFFICIO  
14 MEMBER.

15 (2) A member of ~~said~~ THE commission shall NOT receive any  
16 compensation for his OR HER services, except actual and necessary  
17 expenses while attending the meetings or carrying out the pur-  
18 poses of ~~said~~ THE commission.

19 Sec. 2. The governor shall appoint ~~the~~ members of ~~said~~  
20 THE commission UNDER SECTION 1(1)(C) for the following terms:  
21 One for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1  
22 for 5 years, and 1 for 6 years, and thereafter 1 member annually  
23 for a term of 6 years until their successors shall have been  
24 appointed and qualified. THE ADDITIONAL MEMBER APPOINTED BY THE  
25 GOVERNOR AS PROVIDED FOR IN THE 2001 AMENDATORY ACT THAT AMENDED  
26 THIS SECTION SHALL SERVE FOR A TERM OF 6 YEARS AND UNTIL HIS OR  
27 HER SUCCESSOR IS APPOINTED AND QUALIFIED.

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1 (2) A MEMBER OF THE COMMISSION APPOINTED TO THE COMMISSION  
2 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR THE SENATE  
3 MAJORITY LEADER UNDER SECTION 1(1)(A) OR (B), RESPECTIVELY, SHALL  
4 HOLD OFFICE FOR A TERM OF 2 YEARS TO COINCIDE WITH THE TERM OF  
5 OFFICE OF STATE REPRESENTATIVE.

6 Sec. 4a. (1) A record obtained by the secretary of state  
7 BEFORE THE EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT AMENDED  
8 THIS SECTION OR BY THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THE  
9 2001 AMENDATORY ACT THAT AMENDED THIS SECTION from a person under  
10 a written agreement specifying that the record is for retention  
11 in the state archives, but is confidential, shall be kept confi-  
12 dential and shall not be open to public inspection or copying for  
13 a period stated in the agreement, which period shall not be more  
14 than 20 years or until the death of the person, whichever occurs  
15 first.

16 (2) A record obtained by the secretary of state BEFORE THE  
17 EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT AMENDED THIS SEC-  
18 TION OR BY THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THE 2001  
19 AMENDATORY ACT THAT AMENDED THIS SECTION from a governmental  
20 agency that maintained the material on a confidential basis shall  
21 be kept confidential pursuant to the terms of a written  
22 agreement. The written agreement shall be signed by the secre-  
23 tary of state OR A REPRESENTATIVE OF THE DEPARTMENT and a repre-  
24 sentative of the donating agency, shall specify the terms and  
25 conditions under which the record is to be kept confidential, and  
26 may include provision for releasing the record for research

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1 purposes provided the name of each individual identified in the  
2 record is protected from disclosure.

3 (3) This section does not apply to a record that is not  
4 exempt from the disclosure requirements of the freedom of infor-  
5 mation act, ~~Act No. 442 of the Public Acts of 1976, as amended,~~  
6 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~  
7 1976 PA 442, MCL 15.231 TO 15.246, before receipt by the secre-  
8 tary of state OR THE DEPARTMENT.

9 Sec. 6. (1) ~~It shall be the duty of the secretary of state~~  
10 ~~to~~ THE DEPARTMENT SHALL prepare for publication the material  
11 referred to in section 4. ~~of this act.~~ The volumes shall be  
12 printed and bound in substantial uniformity with the volumes  
13 issued by other historical societies and the several state  
14 departments. That printing, together with bulletins, including a  
15 historical journal, and book reprints, maps, articles, calendars,  
16 and related items as may be determined by the ~~secretary of~~  
17 ~~state~~ DEPARTMENT, shall be paid out of the appropriations made  
18 by the legislature.

19 (2) The ~~secretary of state~~ DEPARTMENT may establish,  
20 raise, and lower a selling price for books, reprints, maps, arti-  
21 cles, calendars, and related items and may sell those materials.

22 Sec. 7. (1) The ~~secretary of state~~ DEPARTMENT shall be  
23 the custodian of the historical publications ~~of the department~~  
24 ~~of state~~ and may distribute, exchange, or both distribute and  
25 exchange the publications with domestic and foreign states, gov-  
26 ernments, and institutions.

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1       (2) The ~~secretary of state~~ DEPARTMENT shall publish a  
2 journal entitled Michigan history and shall furnish 1 copy of the  
3 journal, free of charge, to each cooperative library in this  
4 state, if officially requested to do so by the officers of the  
5 library.

6       (3) The ~~secretary of state~~ DEPARTMENT shall furnish to  
7 each member of the legislature 1 copy of each journal published  
8 during the legislator's term, free of charge, if requested to do  
9 so by the legislator.

10       (4) Except as provided in subsections (2) and (3), the  
11 ~~secretary of state~~ DEPARTMENT shall sell each copy of the jour-  
12 nal, Michigan history, at a price set by the ~~secretary of state~~  
13 DEPARTMENT. The printing, distribution, and promotion costs  
14 incurred by the journal shall be paid exclusively from the  
15 Michigan heritage publications fund.

16       (5) The ~~secretary of state~~ DEPARTMENT may raise or lower  
17 the selling price of Michigan history to reflect changes in  
18 printing, distribution, and promotion costs incurred by the  
19 journal.

20       (6) The money collected from the sale of Michigan history  
21 and the material listed in section 6(2) shall be credited to a  
22 revolving fund, WHICH IS HEREBY created ~~by this act~~ AND which  
23 ~~is called~~ SHALL BE REFERRED TO AS the Michigan heritage publi-  
24 cations fund. ~~The money~~ THE STATE TREASURER SHALL DIRECT THE  
25 INVESTMENT OF THE MICHIGAN HERITAGE PUBLICATIONS FUND. THE STATE  
26 TREASURER SHALL CREDIT TO THE MICHIGAN HERITAGE PUBLICATIONS FUND  
27 INTEREST AND EARNINGS FROM FUND INVESTMENTS. MONEY IN THE

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1 MICHIGAN HERITAGE PUBLICATIONS FUND shall be used to pay the  
2 printing, distribution, and promotion costs of Michigan history  
3 and the material listed in section 6(2). ~~The money~~ MONEY in  
4 the ~~revolving~~ MICHIGAN HERITAGE PUBLICATIONS fund at the close  
5 of the fiscal year shall remain in the ~~revolving~~ MICHIGAN HERI-  
6 TAGE PUBLICATIONS fund AND SHALL NOT LAPSE TO THE GENERAL FUND.

7       Sec. 7a. (1) The ~~secretary of state~~ DEPARTMENT may estab-  
8 lish and administer a store in the center. The store may acquire  
9 and sell items that pertain to the collections of the center or  
10 the purpose of the center, or both. Items sold by the store may  
11 be acquired by purchase, gift, or consignment and may be sold on  
12 a commission basis. The Michigan commission for the blind shall  
13 have priority to establish vending and cafeteria operations, as  
14 authorized by ~~Act No. 260 of the Public Acts of 1978, being~~  
15 ~~sections~~ 1978 PA 260, MCL 393.351 to 393.368, in the center.

16       (2) A charge shall be established for each item offered for  
17 sale at the store. The charge may include markups and discounts  
18 that are commensurate with industry practice. The ~~secretary of~~  
19 ~~state~~ DEPARTMENT may accept cash, check, or credit card payments  
20 as compensation for items sold at the store. The ~~secretary of~~  
21 ~~state~~ DEPARTMENT shall determine which credit cards will be  
22 accepted for payment. The ~~secretary of state~~ DEPARTMENT may  
23 purchase and place advertisements concerning items offered for  
24 sale at the store. The store may utilize the services of high  
25 school cooperative students and volunteers.

26       (3) The museum operations fund is created in the state  
27 treasury. The money collected under subsection (1) shall be

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1 credited to and deposited in the museum operations fund and an  
2 unexpended balance at the close of the fiscal year shall not  
3 ~~revert~~ LAPSE to the general fund but shall remain in the museum  
4 operations fund for future expenditures under this subsection.

5 THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE MUSEUM  
6 OPERATIONS FUND. THE STATE TREASURER SHALL CREDIT TO THE MUSEUM  
7 OPERATIONS FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

8 Money in the museum operations fund may be used to do any of the  
9 following:

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

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

12 (c) Advertise and pay for educational programs, special  
13 exhibits, and special events, including performers, presented at  
14 the center or another museum or historical facility operated by  
15 the ~~secretary of state~~ DEPARTMENT.

16 (d) Provide free materials to school groups.

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

18 (f) Pay for any other expense incurred by the center or by  
19 another museum or historical facility administered by the  
20 ~~secretary of state~~ DEPARTMENT.

21 (4) As used in this section:

22 (a) "Center" means the Michigan historical center.

23 (b) "Store" means the retail sales store located in the  
24 ~~Michigan historical~~ center, as authorized in this section.

25 Sec. 8a. The ~~commission~~ DEPARTMENT shall ~~make~~  
26 PROMULGATE rules ~~and regulations~~ necessary to carry out the  
27 provisions of this act pursuant to ~~Act No. 88 of the Public Acts~~

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1 of 1943, ~~as amended, being sections 24.71 to 24.82, of the~~  
2 ~~Compiled Laws of 1948~~ THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
3 1969 PA 306, MCL 24.201 TO 24.328.

4 Sec. 10. As used in this act:

5 (a) "Commission" means the Michigan historical commission  
6 created under section 1.

7 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF HISTORY, ARTS, AND  
8 LIBRARIES.

9 (C) ~~(b)~~ "Record" means a document, paper, book, letter, or  
10 writing, including a document, paper, book, letter, or writing  
11 prepared by handwriting, typewriting, printing, photostating, or  
12 photocopying; a photograph; a film; a map; a magnetic or paper  
13 tape; a microform; a magnetic or punch card; a disc, drum, sound,  
14 or video recording; an electronic data processing material; or  
15 another recording medium, and includes individual letters, words,  
16 pictures, sounds, impulses, or symbols, or a combination of  
17 these, regardless of physical form or characteristics.

18 Enacting section 1. This amendatory act does not take  
19 effect unless House Bill No. 4941 of the 91st Legislature is  
20 enacted into law.