

MICHIGAN HISTORICAL COMMISSION
Act 271 of 1913

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.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—Am. 1943, Act 172, Eff. July 30, 1943;—Am. 1988, Act 467, Imd. Eff. Dec. 27, 1988.

The People of the State of Michigan enact:

399.1 Michigan historical commission; creation; members; expenses.

Sec. 1. (1) There is hereby created within the department a commission to be known as the Michigan historical commission. The commission shall consist of the following members:

(a) One member appointed by the speaker of the house of representatives.

(b) One member appointed by the senate majority leader.

(c) Seven members appointed by the governor by and with the advice and consent of the senate. One of the members appointed under this subdivision shall be a representative of the historical society of Michigan. The governor shall make this appointment from a list of 3 persons nominated by the historical society of Michigan.

(d) The director of the department, serving as an ex officio member.

(2) A member of the commission shall not receive any compensation for his or her services, except actual and necessary expenses while attending the meetings or carrying out the purposes of the commission.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10727;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8114;—CL 1948, 399.1;—Am. 1951, Act 250, Imd. Eff. June 15, 1951;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

Transfer of powers: See MCL 16.130.

399.2 Historical commission; terms of members.

Sec. 2. (1) The governor shall appoint members of the commission under section 1(1)(c) for the following terms: One for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years, 1 for 5 years, and 1 for 6 years, and thereafter 1 member annually for a term of 6 years until their successors shall have been appointed and qualified. The additional member appointed by the governor as provided for in the 2001 amendatory act that amended this section shall serve for a term of 6 years and until his or her successor is appointed and qualified.

(2) A member of the commission appointed to the commission by the speaker of the house of representatives or the senate majority leader under section 1(1)(a) or (b), respectively, shall hold office for a term of 2 years to coincide with the term of office of state representative.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10728;—CL 1929, 8115;—CL 1948, 399.2;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.3 Historical commission; meetings, organization, acceptance of gifts.

Sec. 3. As soon as practicable after this act shall take effect, the said commission shall meet in the state capitol in Lansing, and shall organize by electing 1 of its members as president, and 1 as vice president, and shall appoint a secretary, and shall arrange a time and place of holding regular meetings of the commission, and for such special meetings as may be necessary. It shall take, as soon as practicable, necessary steps to receive and accept in the name of the state of Michigan, such of the property of the Michigan pioneer and historical society as the latter may convey to the state of Michigan, and shall take possession of the rooms in

the capitol building now occupied by the said society, and may accept all gifts and bequests for the furtherance of its authorized purposes.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10729;—CL 1929, 8116;—CL 1948, 399.3.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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399.4 Historical commission; duties.

Sec. 4. The commission shall collect, arrange, and preserve material, including records, archives, paintings, and statuary illustrative of and relating to the history of Michigan and the old northwest territory; procure and preserve narratives of the early pioneers; collect material concerning the Indian tribes in Michigan; collect, prepare, and display in the Michigan historical museum objects indicative of the life, customs, dress, and resources of the early residents of Michigan; and publish source materials and historical studies relative to and illustrative of the history of the state, including historical materials and studies furnished for that purpose by educational institutions and by the historical society of Michigan. The commission shall cooperate with and assist the historical society of Michigan and local historical societies in this state and help to organize new local historical societies of similar nature and purpose.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10730;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8117;—CL 1948, 399.4;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.4a Records; confidentiality; applicability of section.

Sec. 4a. (1) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section from a person under a written agreement specifying that the record is for retention in the state archives, but is confidential, shall be kept confidential and shall not be open to public inspection or copying for a period stated in the agreement, which period shall not be more than 20 years or until the death of the person, whichever occurs first.

(2) A record obtained by the secretary of state before the effective date of the 2001 amendatory act that amended this section or by the department after the effective date of the 2001 amendatory act that amended this section 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 secretary of state 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 provision for releasing the record for research purposes provided the name of each individual identified in the record is protected from disclosure.

(3) This section does not apply to a record that is not exempt from the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, before receipt by the secretary of state or the department.

History: Add. 1980, Act 319, Imd. Eff. Dec. 9, 1980;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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399.5 Records; collection; preservation; copies as evidence; property of state; exceptions; inspection; disposal schedule.

Sec. 5. (1) The commission 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 commission. A public official shall assist the commission in the collection of such records. The commission is the legal custodian of such records collected and transferred to

its possession. The commission shall provide for their preservation, classification, arranging, and indexing, so that they may be made available for the use of the public. In a county where there is a public institution having a fireproof building and suitable arrangements for carefully keeping such records, so that in the opinion of the commission they can be safely stored, the records may be left in the possession of that institution. A list of the records shall be furnished to the commission and shall be kept in its office. A copy of the finding of the commission that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the commission. If made and certified to by the secretary or archivist of the commission, 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 commission 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 commission shall then inspect the records and shall requisition for transfer, from the directing authority to the commission, of records that the commission considers valuable.

(3) As soon as possible after the inspection by the commission and the transfer of considered valuable are completed, the directing authority of the agency, department, board, commission, or institution shall submit the 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.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10731;—Am. 1923, Act 144, Eff. Aug. 30, 1923;—CL 1929, 8118;—Am. 1943, Act 172, Eff. July 30, 1943;—CL 1948, 399.5;—Am. 1952, Act 154, Eff. Sept. 18, 1952;—Am. 1955, Act 59, Eff. Oct. 14, 1955;—Am. 1959, Act 68, Eff. Mar. 19, 1960;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state records management program to department of management and budget, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.6 Publication of material; payment; price.

Sec. 6. (1) The department shall prepare for publication the material referred to in section 4. The volumes shall be printed and bound in substantial uniformity with the volumes issued by other historical societies and the several state departments. That printing, together with bulletins, including a historical journal, and book reprints, maps, articles, calendars, and related items as may be determined by the department, shall be paid out of the appropriations made by the legislature.

(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.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10732;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8119;—CL 1948, 399.6;—Am. 1984, Act 309, Imd. Eff. Dec. 21, 1984;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.7 Department as custodian of historical publications; distribution and exchange of publications; free copies and sales of journal, Michigan history; price; costs; disposition and use of money.

Sec. 7. (1) The department shall be the custodian of the historical publications and may distribute, exchange, or both distribute and exchange the publications with domestic and foreign states, governments, and institutions.

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

(3) The department shall furnish to each member of the legislature 1 copy of each journal published during the legislator's term, free of charge, if requested to do so by the legislator.

(4) Except as provided in subsections (2) and (3), the department shall sell each copy of the journal, Michigan history, at a price set by the department. The printing, distribution, and promotion costs incurred by the journal shall be paid exclusively from the Michigan heritage publications fund.

(5) The department may raise or lower the selling price of Michigan history to reflect changes in printing, distribution, and promotion costs incurred by the journal.

(6) The money collected from the sale of Michigan history and the material listed in section 6(2) shall be credited to a revolving fund, which is hereby created and which shall be referred to as the Michigan heritage publications fund. The state treasurer shall direct the investment of the Michigan heritage publications fund. The state treasurer shall credit to the Michigan heritage publications fund interest and earnings from fund investments. Money in the Michigan heritage publications fund shall be used to pay the printing, distribution, and promotion costs of Michigan history and the material listed in section 6(2). Money in the Michigan heritage publications fund at the close of the fiscal year shall remain in the Michigan heritage publications fund and shall not lapse to the general fund.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10733;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8120;—Am. 1931, Act 245, Eff. Sept. 18, 1931;—CL 1948, 399.7;—Am. 1978, Act 209, Imd. Eff. June 4, 1978;—Am. 1984, Act 309, Imd. Eff. Dec. 21, 1984;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.7a Establishment and administration of store; acquisition and sale of items; vending and cafeteria operations; charges; acceptance of cash, check, or credit card payments; advertisements; services of high school cooperative students and volunteers; creation of museum operations fund; disposition of money; definitions.

Sec. 7a. (1) The department may establish and administer a store in the center. The store may acquire and sell items that pertain to the collections of the center or the purpose of the center, or both. Items sold by the store may be acquired by purchase, gift, or consignment and may be sold on a commission basis. The Michigan commission for the blind shall have priority to establish vending and cafeteria operations, as authorized by 1978 PA 260, MCL 393.351 to 393.368, in the center.

(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) The museum operations fund is created in the state treasury. The money collected under subsection (1) shall be credited to and deposited in the museum operations fund and an unexpended balance at the close of the fiscal year shall not lapse to the general fund but shall remain in the museum operations fund for future expenditures under this subsection. The state treasurer shall direct the investment of the museum operations fund. The state treasurer shall credit to the museum operations fund interest and earnings from fund investments. Money in the museum operations fund may be used 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 or by another museum or historical facility administered by the department.

(4) As used in this section:

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

(b) "Store" means the retail sales store located in the center, as authorized in this section.

History: Add. 1988, Act 467, Imd. Eff. Dec. 27, 1988;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of the commission for the blind from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.8 Secretary of commission; authority; employees; salaries and expenses.

Sec. 8. The secretary of said commission shall act under the direction of the commission. The commission shall have power to appoint such other employees as shall be deemed necessary. The commission may delegate to the secretary such authority as is necessary to carry out the provisions of this act. The secretary and other employees shall receive such salaries as shall be appropriated by the legislature and also such traveling expenses as shall be necessary.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—Am. 1915, Act 222, Imd. Eff. May 13, 1915;—CL 1915, 10734;—Am. 1917, Act 192, Imd. Eff. May 8, 1917;—CL 1929, 8121;—Am. 1933, Act 14, Imd. Eff. Feb. 17, 1933;—CL 1948, 399.8;—Am. 1951, Act 250, Imd. Eff. June 15, 1951.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.8a Rules.

Sec. 8a. The department shall promulgate rules necessary to carry out the provisions of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 1951, Act 250, Imd. Eff. June 15, 1951;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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Administrative rules: R 399.101 et seq. of the Michigan Administrative Code.

399.9 Historical commission; annual report, contents.

Sec. 9. The said commission shall make annual reports on the first day of January of each year to the governor of the state, setting forth the character and extent of the work done under its supervision during the preceding year, and the amounts of money expended by it for the various purposes authorized by this act.

History: 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10735;—CL 1929, 8122;—CL 1948, 399.9.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

399.10 Definitions.

Sec. 10. As used in this act:

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

(b) "Department" means the department of history, arts, and libraries.

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

History: Add. 1992, Act 190, Imd. Eff. Oct. 5, 1992;—Am. 2001, Act 66, Imd. Eff. July 24, 2001.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

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