

HOUSE BILL No. 5322

December 5, 1989, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend sections 4, 4a, and 5 of Act No. 271 of the Public Acts of 1913, entitled as amended

"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,"

section 4a as added by Act No. 319 of the Public Acts of 1980, being sections 399.4, 399.4a, and 399.5 of the Michigan Compiled Laws; and to add section 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4, 4a, and 5 of Act No. 271 of the
2 Public Acts of 1913, section 4a as added by Act No. 319 of the
3 Public Acts of 1980, being sections 399.4, 399.4a, and 399.5 of

1 the Michigan Compiled Laws, are amended and section 10 is added
2 to read as follows:

3 Sec. 4. ~~It shall be the duty of said~~ THE commission ~~to~~
4 SHALL collect, arrange, and preserve ~~historical~~ material,
5 including ~~books, pamphlets, maps, charts, manuscripts, papers,~~
6 ~~copies of domestic and foreign~~ records, ~~and~~ archives, paint-
7 ings, AND statuary ~~, and other objects and material~~ illustra-
8 tive of and relating to the history of Michigan and the old
9 northwest territory; ~~to~~ procure and preserve narratives of the
10 early pioneers; ~~, their exploits, perils, privations and~~
11 ~~achievement, to~~ collect material ~~of every description relative~~
12 ~~to the history, language, literature, progress or decay of our~~
13 CONCERNING THE Indian tribes IN MICHIGAN; ~~to~~ collect, prepare,
14 and display in the MICHIGAN HISTORICAL museum ~~of said~~
15 ~~commission~~ objects indicative of the life, customs, dress, and
16 resources of the early residents of Michigan; ~~, and to~~ pub-
17 lish source materials ~~, and~~ historical studies relative to and
18 illustrative of the history of the state, including ~~such~~ his-
19 torical materials and studies ~~as may be~~ furnished for that pur-
20 pose by educational institutions and by the ~~Michigan pioneer~~
21 ~~and~~ historical society OF MICHIGAN. The commission shall coop-
22 erate with and assist the ~~Michigan pioneer and~~ historical soci-
23 ety OF MICHIGAN and local historical societies in the state ~~, and~~
24 and help to organize new local historical societies of similar
25 nature and purpose.

26 Sec. 4a. (1) ~~Records, documents, papers, or other written~~
27 ~~material~~ A RECORD obtained by the secretary of state from a

1 person under a written agreement specifying that the ~~material~~
2 RECORD is for retention in the state archives, but is confiden-
3 tial, shall be kept confidential and shall not be open to public
4 inspection or copying for a period stated in the agreement, which
5 period shall not be more than 20 years or until the death of the
6 person, WHICHEVER OCCURS FIRST.

7 (2) ~~Records, documents, papers, electronic data processing~~
8 ~~material, or other written material~~ A RECORD obtained by the
9 secretary of state from a governmental agency ~~which previously~~
10 THAT maintained the material on a confidential basis shall be
11 kept confidential pursuant to the terms of a written agreement.
12 The written agreement shall be signed by the secretary of state
13 and a representative of the donating agency, shall specify the
14 terms and conditions under which the ~~materials are~~ RECORD IS to
15 be kept confidential, and may include provision for releasing
16 ~~materials~~ THE RECORD for research purposes provided the ~~names~~
17 NAME of ~~individuals~~ EACH INDIVIDUAL identified in ~~materials~~
18 ~~are~~ THE RECORD IS protected from disclosure.

19 (3) This section does not apply to ~~records, documents,~~
20 ~~papers, electronic data processing material or other written~~
21 ~~materials which were~~ A RECORD THAT IS not exempt from the dis-
22 closure requirements of THE FREEDOM OF INFORMATION ACT, Act
23 No. 442 of the Public Acts of 1976, as amended, being sections
24 15.231 to 15.246 of the Michigan Compiled Laws, prior to receipt
25 by the secretary of state.

26 Sec. 5. (1) The commission ~~shall have power, and it is~~
27 ~~hereby made the duty of all public officials to assist in the~~

1 ~~performance of this power, to~~ MAY collect from the public
2 offices in the state ~~, including state, county, city, village,~~
3 ~~school and township offices, such records, files, documents,~~
4 ~~books and papers as~~ RECORDS THAT are not in current use ~~,~~ and
5 are of value, in the opinion of the commission. ~~, and it is~~
6 ~~hereby made~~ A PUBLIC OFFICIAL SHALL ASSIST THE COMMISSION IN THE
7 COLLECTION OF SUCH RECORDS. THE COMMISSION IS the legal custo-
8 dian of such records ~~, files, documents, books and papers when~~
9 collected and transferred to its possession. The commission
10 shall provide for their preservation, classification, arranging,
11 and indexing, so that they may be made available for the use of
12 the public. In ~~counties~~ A COUNTY where there is a public
13 institution having a fireproof building and suitable arrangements
14 for carefully keeping such ~~publications, records, files, docu-~~
15 ~~ments, books and papers,~~ so that in the opinion of the commis-
16 sion they can be safely stored, the ~~same or any part thereof~~
17 RECORDS may be left in the possession of ~~such~~ THAT
18 institution. A list ~~thereof~~ OF THE RECORDS shall be furnished
19 TO the commission and shall be kept ~~of record~~ in its office. A
20 copy of the finding of the commission that such depository is a
21 safe and a proper one in its opinion shall be made a part of the
22 official records of the commission. ~~Copies of all such papers,~~
23 ~~documents, files and records, when~~ IF made and certified to by
24 the secretary or archivist of the commission, A COPY OF SUCH A
25 RECORD shall be admitted in evidence in ~~all courts~~ COURT, with
26 the same effect as if certified to by the original custodian
27 ~~thereof~~ OF THE RECORD.

1 (2) ~~Any~~ A record that is required to be kept by a public
 2 officer in the discharge of ~~the~~ duties imposed ~~on him~~ by law,
 3 ~~or~~ that is ~~a writing~~ required to be filed in a public office,
 4 or THAT is a ~~written~~ memorial of a transaction of a public
 5 officer made in the discharge of ~~his~~ A duty ~~, shall be~~ IS the
 6 property of ~~the people of the~~ THIS state ~~,~~ and ~~may~~ SHALL
 7 not be disposed of, mutilated, or destroyed except as provided by
 8 law. The provisions of this section ~~shall~~ DO not apply to
 9 ~~bonds, bills, notes, interest coupons or other evidences~~ A
 10 BOND, BILL, NOTE, INTEREST COUPON, OR OTHER EVIDENCE of indebted-
 11 ness issued by ~~the~~ A state, county, ~~multi county~~ MULTICOUNTY
 12 school, OR municipal agency, department, board, commission, ~~and~~
 13 OR institution of government. The directing authority of each
 14 state, county, ~~multi county~~ MULTICOUNTY, school, OR municipal
 15 agency, department, board, commission, ~~and~~ OR institution of
 16 government shall present to the commission a CERTIFIED schedule
 17 governing disposal of, or a CERTIFIED list or description of, the
 18 ~~papers, documents and other records which it shall certify~~
 19 RECORDS THAT are useless and ~~which have ceased to be~~ of NO
 20 value to the governmental agency and to its duties to the
 21 public. ~~, whereupon the~~ THE commission shall THEN inspect the
 22 ~~papers, documents and other~~ records and shall requisition for
 23 transfer, from the directing authority to the commission, ~~such~~
 24 ~~papers, documents and other records as~~ OF RECORDS THAT the com-
 25 mission ~~shall deem to be of value~~ CONSIDERS VALUABLE.

26 (3) As soon as possible after the inspection by the
 27 commission and the transfer of records ~~deemed to have value has~~

1 ~~been~~ CONSIDERED VALUABLE ARE completed, the directing authority
2 of the agency, department, board, commission, ~~and~~ OR institu-
3 tion shall submit the schedule governing the disposal of, or the
4 remainder of the list of ~~such papers, documents and other~~ THE
5 records to the state administrative board, who shall approve or
6 disapprove the disposal schedule or list and order the destruc-
7 tion of the valueless records accordingly.

8 SEC. 10. AS USED IN THIS ACT, "RECORD" MEANS A DOCUMENT,
9 PAPER, BOOK, LETTER, OR WRITING, INCLUDING A DOCUMENT, PAPER,
10 BOOK, LETTER, OR WRITING PREPARED BY HANDWRITING, TYPEWRITING,
11 PRINTING, PHOTOSTATING, OR PHOTOCOPYING; A PHOTOGRAPH; A FILM; A
12 MAP; A MAGNETIC OR PAPER TAPE; A MICROFORM; A MAGNETIC OR PUNCH
13 CARD; A DISC, DRUM, SOUND, OR VIDEO RECORDING; AN ELECTRONIC DATA
14 PROCESSING MATERIAL; OR ANOTHER RECORDING MEDIUM, AND INCLUDES
15 INDIVIDUAL LETTERS, WORDS, PICTURES, SOUNDS, IMPULSES, OR SYM-
16 BOLS, OR A COMBINATION OF THESE, REGARDLESS OF PHYSICAL FORM OR
17 CHARACTERISTICS.

18 Section 2. This amendatory act shall not take effect unless
19 House Bill No. 5013 of the 85th Legislature is enacted into law.