

SUBSTITUTE FOR
HOUSE BILL NO. 5657

A bill to amend 1992 PA 116, entitled
"Records media act,"
by amending the title and sections 1, 2, and 3 (MCL 24.401,
24.402, and 24.403), section 2 as amended by 2001 PA 72, and by
adding sections 4, 5, and 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to designate and regulate **the method and medium for**

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the storage and reproduction of certain records; ~~media;~~ to

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provide for the certification of certain records; and to

5

prescribe the powers and duties of certain governmental entities

6

and officials.

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Sec. 1. (1) This act shall be known and may be cited as the

8

"records ~~media~~ **reproduction** act".

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(2) **As used in this act:**

1 (a) "Board" means the state historical records advisory
2 board.

3 (b) "Data transfer" means the copying or transmission of
4 electronic information that does not alter the content, context,
5 or structure of a record from 1 medium to another medium.

6 (c) "Department" means the department of history, arts, and
7 libraries.

8 (d) "Digital imaging" means a system used to store
9 information electronically by recording a digital reproduction of
10 a scanned record onto an optical storage disk.

11 (e) "Digital migration" means the conversion of digital
12 information from an existing format to another format that
13 maintains the content, context, and structure of a record.

14 (f) "Digitization" means the conversion of information into
15 digitally coded electronic images suitable for electronic
16 storage.

17 Sec. 2. (1) ~~Except to the extent limited~~ **Subject to the**
18 **requirements of this act and except as otherwise provided by law,**
19 ~~if~~ a governmental entity or a governmental official acting in
20 his or her official capacity ~~reproduces a record, the~~
21 ~~reproduction may be created~~ **may reproduce a record by** using any
22 of the following ~~media, subject to subsection (2)~~ **methods or**
23 **mediums:**

24 (a) Photograph.

25 (b) Photocopy.

26 (c) ~~Microcopy~~ **Microreproduction.**

27 (d) Optical ~~storage disc, as of the effective date of rules,~~

1 ~~to be promulgated pursuant to subsection (2), that govern optical~~
 2 ~~storage discs. However, this act does not prohibit the~~
 3 ~~utilization of an optical storage disc system purchased by this~~
 4 ~~state before the effective date of this act pursuant to~~
 5 ~~legislative appropriations, unless the director of the department~~
 6 ~~of management and budget finds that the system is not capable of~~
 7 ~~creating reproductions that are equivalent to photographs or~~
 8 ~~microcopies. The director of the department of management and~~
 9 ~~budget shall transmit such a finding to the state department or~~
 10 ~~agency utilizing the optical storage disc system and to the house~~
 11 ~~and senate appropriations committees. **media.**~~

12 **(e) Data transfer.**

13 **(f) Digitization.**

14 **(g) Digital migration.**

15 **(h) Digital imaging.**

16 **(i) Magnetic media.**

17 **(j) Printing.**

18 **(k) Any other reproduction method or medium approved by the**
 19 **department under this act.**

20 ~~(2) Pursuant to~~ **The department may adopt technical**
 21 **standards, issue directives, or promulgate rules under the**
 22 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
 23 **24.328, ~~the department of history, arts, and libraries and the~~**
 24 **~~department of management and budget shall jointly promulgate~~**
 25 **~~rules that govern the creating, processing, indexing, storage,~~**
 26 **~~retrieval, durability, and inspection of reproductions~~ **governing****
 27 **the storage and reproduction of records by a governmental entity**

1 or governmental official acting in his or her official capacity.

2 (3) With respect to ~~information systems that utilize digital~~
3 ~~data in a medium~~ **the methods and mediums** listed in
4 subsection (1) for the **storage and** reproduction of records, the
5 **standards, directives, or rules under subsection (2)** shall do,
6 **but are not limited to,** all of the following:

7 (a) ~~Set forth data interchangeability standards~~ **Ensure**
8 **continued accessibility and usability of the records throughout**
9 **their retention period.**

10 (b) ~~Ensure continued maintenance of and access to the~~
11 ~~records by requiring the conversion of the digital data medium or~~
12 ~~the modification or replacement of the computer hardware or~~
13 ~~computer software before the digital data medium, algorithms,~~
14 ~~computer hardware, or computer software become obsolete~~ **Ensure**
15 **the integrity and authenticity of records maintained by**
16 **governmental entities, officials, and employees.**

17 (4) Except as provided under subsection (5), a governmental
18 entity or governmental official shall not use a method or medium
19 listed under subsection (1)(c), (f), (g), or (h) until the
20 department adopts a standard, issues a directive, or promulgates
21 a rule under subsection (2) governing the method or medium.

22 (5) The department may enter into a pilot agreement with a
23 governmental entity to test new equipment, technology, methods,
24 or mediums. A record reproduced by a governmental entity
25 operating under a pilot agreement shall have the same force and
26 effect as a record stored or reproduced by an approved method or
27 medium under this act.

1 Sec. 3. With respect to a reproduction created by a person
2 other than a governmental entity or a governmental official
3 acting in his or her official capacity, a law that references
4 this act incorporates by reference any **reproduction method or**
5 medium ~~that correctly and accurately reproduces the original~~
6 approved by this act.

7 Sec. 4. (1) The board shall, within 60 days of receipt of a
8 proposed technical standard from the department, approve,
9 disapprove, or revise the proposed technical standard.

10 (2) Before submitting a proposed technical standard to the
11 board under this section, the department shall seek advice and
12 comment from the department of information technology and at
13 least 1 representative from each of the following entities:

14 (a) County government.

15 (b) City, township, or village government.

16 (c) The information technology industry.

17 (3) Proposed and final technical standards shall be published
18 in the Michigan register. A technical standard shall not take
19 effect before its publication in the Michigan register.

20 Sec. 5. This act does not prohibit the use of an optical
21 disc imaging system purchased by the state before June 26, 1992
22 unless the department determines that the system is incapable of
23 creating reproduced records that meet the requirements of this
24 act.

25 Sec. 6. A record reproduced under this act shall have the
26 same force and effect as a true paper copy of a record. All
27 copies produced under this act, when certified as true by the

1 officer in whose office the original was filed or recorded, shall
2 have the same force and effect as an original for all legal
3 purposes and is admissible in court, administrative proceedings,
4 and elsewhere as evidence in the same manner as an original.

5 Enacting section 1. This amendatory act does not take
6 effect unless House Bill No. 5550 of the 92nd Legislature is
7 enacted into law.