

Act No. 572
Public Acts of 2004
Approved by the Governor
January 3, 2005
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

**Introduced by Reps. Brown, Spade, Adamini, Gleason, Minore, Lipsey, Farrah, Sak, Kolb, Caswell,
Whitmer, Stakoe, Gillard, Bieda, Tobocman, Williams, Anderson, Vagnozzi, Amos and Ward**

ENROLLED HOUSE BILL No. 5550

AN ACT to amend 1992 PA 116, entitled "An act to designate and regulate certain records media; and to prescribe the powers and duties of certain governmental entities and officials," by amending section 2 (MCL 24.402), as amended by 2001 PA 72, and by adding section 5.

The People of the State of Michigan enact:

Sec. 2. (1) Subject to the requirements of this act and except as otherwise provided by law, a governmental entity or a governmental official acting in his or her official capacity may reproduce a record by using any of the following methods or mediums:

- (a) Photograph.
- (b) Photocopy.
- (c) Microreproduction.
- (d) Optical media.
- (e) Data transfer.
- (f) Digitization.
- (g) Digital migration.
- (h) Digital imaging.
- (i) Magnetic media.
- (j) Printing.
- (k) Any other reproduction method or medium approved by the department under this act.

(2) The department may adopt technical standards, issue directives, or promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, governing the storage and reproduction of records by a governmental entity or governmental official acting in his or her official capacity.

(3) With respect to the methods and mediums listed in subsection (1) for the storage and reproduction of records, the standards, directives, or rules under subsection (2) shall do, but are not limited to, all of the following:

- (a) Ensure continued accessibility and usability of the records throughout their retention period.
- (b) Ensure the integrity and authenticity of records maintained by governmental entities, officials, and employees.

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

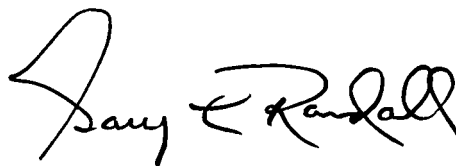
(5) The department may enter into a pilot agreement with a governmental entity to test new equipment, technology, methods, or mediums. A record reproduced by a governmental entity operating under a pilot agreement shall have the same force and effect as a record stored or reproduced by an approved method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

Sec. 5. This act does not prohibit the use of an optical disc or magnetic imaging system purchased by the department of labor and economic growth before and in use prior to the effective date of the amendatory act that added this section, unless the department determines that the system is incapable of creating reproduced records that meet the requirements of this act.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 1409.
- (b) House Bill No. 5657.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor