

RECORDS REPRODUCTION ACT Act 116 of 1992

AN ACT to designate and regulate the method and medium for the storage and reproduction of certain records; to provide for the certification of certain records; and to prescribe the powers and duties of certain governmental entities and officials.

History: 1992, Act 116, Imd. Eff. June 26, 1992;—Am. 2004, Act 574, Imd. Eff. Jan. 3, 2005.

The People of the State of Michigan enact:

24.401 Short title; definitions.

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

(2) As used in this act:

- (a) "Board" means the state historical records advisory board.
- (b) "Data transfer" means the copying or transmission of electronic information that does not alter the content, context, or structure of a record from 1 medium to another medium.
- (c) "Department" means the department of history, arts, and libraries.
- (d) "Digital imaging" means the techniques for capturing, recording, processing, storing, transferring, and using images of records electronically.
- (e) "Digital migration" means the conversion of digital information from an existing format to another format that maintains the content, context, and structure of a record.
- (f) "Digitization" means the conversion of information into digitally coded electronic images suitable for electronic storage.

History: 1992, Act 116, Imd. Eff. June 26, 1992;—Am. 2004, Act 574, Imd. Eff. Jan. 3, 2005.

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.

24.402 Reproduction of record by governmental entity or official; technical standards, directives, or rules; pilot agreement.

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.

History: 1992, Act 116, Imd. Eff. June 26, 1992;—Am. 2001, Act 72, Imd. Eff. July 24, 2001;—Am. 2004, Act 572, Imd. Eff. Jan. 3, 2005.

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.

Administrative rules: R 24.401 et seq. of the Michigan Administrative Code.

***** 24.402a.added THIS ADDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

24.402a.added Reproduction of construction documents; electronic or digital file format; requirements; disposal or destruction of certain construction documents; definitions.

Sec. 2a. (1) A municipality may reproduce in any electronic or digital file format a construction document that is or has been presented to a building official or department of that municipality if all of the following conditions are met:

- (a) The electronic or digital file format used by the municipality captures the entire construction document.
- (b) The accuracy of the construction document to be reproduced in an electronic or digital file format is confirmed by a building official of that municipality, the planning commission of that municipality, or a signed affidavit from the individual who created the construction document.
- (c) The construction document reproduced in an electronic or digital file format is easily accessible and publicly available at the clerk's office and on the municipality's website.
- (d) In addition to the electronic or digital file format used by the municipality, the construction document is also reproduced in a portable document format (PDF) or another widely used secure electronic format.
- (e) A physical copy of the construction document reproduced in an electronic or digital file format is available from the clerk of the municipality, or his or her designee, for a reasonable fee.
- (f) A redundant copy of the construction document reproduced in an electronic or digital file is kept at a bonded third-party digital storage vendor.

(2) Except as otherwise provided in this subsection, if a municipality electronically or digitally reproduces a construction document as provided in subsection (1), the original construction document may be disposed of or destroyed as authorized under section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811. If the original construction document reproduced in an electronic or digital file format is for or involves a historic site, the original construction document must be retained by the municipality and may not be disposed of or destroyed.

(3) As used in this section:

- (a) "Bonded third-party digital storage vendor" means a business that provides digital storage and that maintains liability insurance against negligence with a minimum policy limit of \$500,000.00 per occurrence.
- (b) "Construction document" includes, but is not limited to, the specifications, bid documents, instructions to bidders, contract, bonds, drawings, blueprints, permits, site plans, change work orders, or stop work orders for a construction project.
- (c) "Historic site" means any building recognized under federal or state law as being a historic site including, but not limited to, any historic site listed on the state register of historic sites that is maintained under section 4 of the Governor John B. Swainson Michigan historical markers act, 1955 PA 10, MCL 399.154.
- (d) "Municipality" means a county, city, village, or township.

History: Add. 2020, Act 283, Eff. Mar. 24, 2021.

24.403 Reproduction created by person other than governmental entity or official acting in official capacity; incorporation by reference.

Sec. 3. With respect to a reproduction created by a person other than a governmental entity or a governmental official acting in his or her official capacity, a law that references this act incorporates by reference any reproduction method or medium approved by this act.

History: 1992, Act 116, Imd. Eff. June 26, 1992;—Am. 2004, Act 550, Imd. Eff. Jan. 3, 2005.

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.

24.404 Proposed technical standard.

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

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

- (a) County government.
- (b) City, township, or village government.
- (c) The information technology industry.

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

History: Add. 2004, Act 574, Imd. Eff. Jan. 3, 2005.

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.

24.405 Optical disc or magnetic imaging system; use by department of labor and economic growth.

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.

History: Add. 2004, Act 572, Imd. Eff. Jan. 3, 2005.

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.

24.406 Reproduction of record; force and effect as original; admissibility.

Sec. 6. A record reproduced under this act shall have the same force and effect as a true paper copy of a record. All copies produced under this act, when certified as true by the officer in whose office the original was filed or recorded, shall have the same force and effect as an original for all legal purposes and is admissible in court, administrative proceedings, and elsewhere as evidence in the same manner as an original.

History: Add. 2004, Act 550, Imd. Eff. Jan. 3, 2005.

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.