

LEGISLATIVE COUNCIL ACT (EXCERPT)
Act 268 of 1986
CHAPTER 1A.
UNIFORM ELECTRONIC LEGAL MATERIAL.

4.1121 Definitions.

Sec. 121.

As used in this chapter:

- (a) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (b) "Legal material" means any of the following:
 - (i) The state constitution of 1963.
 - (ii) The public acts of this state.
 - (iii) The Michigan Compiled Laws.
 - (iv) A rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
 - (v) Materials related to and created by the courts in this state as provided for in a cooperative agreement entered into under section 129.
- (c) "Official publisher" means:
 - (i) For the state constitution of 1963, the legislative service bureau.
 - (ii) For the public acts of this state, the legislative service bureau.
 - (iii) For the Michigan Compiled Laws, the legislative service bureau.
 - (iv) For a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the office of performance and transformation.
- (d) "Publish" means to display, present, or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.
- (e) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (f) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

Compiler's Notes: For the transfer of powers and duties of the office of performance and transformation under the administrative procedures act of 1969, 1969 PA 306, to the Michigan office of administrative hearings and rules, and abolishment of the Michigan administrative hearings system, office of regulatory reinvention, and office of performance and transformation, see E.R.O. 2019-1, compiled at 324.99923.

4.1122 Applicability of chapter.

Sec. 122.

This chapter applies to all legal material in an electronic record that is designated as official under section 123 and first published electronically on or after the effective date of the amendatory act that added this chapter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1123 Official publisher; duties; designation of electronic record as official; compliance.

Sec. 123.

(1) If an official publisher publishes legal material only in an electronic record, the publisher shall do both of the following:

- (a) Designate the electronic record as official.
- (b) Comply with sections 124, 126, and 127.
- (2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with sections 124, 126, and 127.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1124 Authentication of record.

Sec. 124.

An official publisher of legal material in an electronic record that is designated as official under section 123 shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1125 Presumption of accurate copy; recognition of record from another state; contesting authentication; burden of proof.

Sec. 125.

(1) Legal material in an electronic record that is authenticated under section 124 is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to this chapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(3) A party contesting the authentication of legal material in an electronic record authenticated under section 124 has the burden of proving by a preponderance of the evidence that the record is not authentic.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1126 Preservation and security of record; requirements.

Sec. 126.

(1) An official publisher of legal material in an electronic record that is designated as official under section 123 shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(2) If legal material is preserved under subsection (1) in an electronic record, the official publisher shall do all of the following:

- (a) Ensure the integrity of the record.
- (b) Provide for backup and disaster recovery of the record.
- (c) Ensure the continuing usability of the material.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1127 Availability of records to the public.

Sec. 127.

An official publisher of legal material in an electronic record that is required to be preserved under section 126 shall ensure that the material is reasonably available for use by the public on a permanent basis.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1128 Official publisher; implementation; considerations.

Sec. 128.

In implementing this chapter, an official publisher of legal material in an electronic record shall consider all of the following:

- (a) Standards and practices of other jurisdictions.
- (b) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies.
- (c) The needs of users of legal material in an electronic record.
- (d) The views of governmental officials and entities and other interested persons.
- (e) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this chapter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1129 Cooperative agreement between council administrator and supreme court administrator's office.

Sec. 129.

The council administrator may enter into a cooperative agreement with the supreme court administrator's office regarding the authentication, preservation, and publication of materials related to and created by the courts in this state.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1130 Application and construction of chapter; uniformity.

Sec. 130.

In applying and construing this chapter, states that enact a statute on uniform electronic legal material as provided for in this chapter shall consider the need to promote uniformity of the law with respect to its subject matter.

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018

4.1131 Laws superseded; exception.

Sec. 131.

This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 USC sections 7001 to 7031, but does not modify, limit, or supersede 15 USC 7001(c) or authorize electronic delivery of any of the notices described in 15 USC 7003(b).

History: Add. 2018, Act 488, Imd. Eff. Dec. 27, 2018