

Act No. 116  
Public Acts of 1992  
Approved by the Governor  
June 26, 1992  
Filed with the Secretary of State  
June 26, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Niederstadt, Bartnik, Pitoniak, Byrum, Dobronski, Baade, Anthony, Middaugh, McNutt and Dalman

# ENROLLED HOUSE BILL No. 4438

AN ACT to designate and regulate certain records media; and to prescribe the powers and duties of certain governmental entities and officials.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "records media act".

Sec. 2. (1) Except to the extent limited by law, if a governmental entity or a governmental official acting in his or her official capacity reproduces a record, the reproduction may be created using any of the following media, subject to subsection (2):

- (a) Photograph.
- (b) Photocopy.
- (c) Microcopy.

(d) Optical storage disc, as of the effective date of rules, to be promulgated pursuant to subsection (2), that govern optical storage discs. However, this act does not prohibit the utilization of an optical storage disc system purchased by this state before the effective date of this act pursuant to legislative appropriations, unless the director of the department of management and budget finds that the system is not capable of creating reproductions that are equivalent to photographs or microcopies. The director of the department of management and budget shall transmit such a finding to the state department or agency utilizing the optical storage disc system and to the house and senate appropriations committees.

(2) Pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, the department of state and the department of management and budget shall jointly promulgate rules that govern the creating, processing, indexing, storage, retrieval, durability, and inspection of reproductions by a governmental entity or governmental official acting in his or her official capacity. With respect to information systems that utilize digital data in a medium listed in subsection (1) for the reproduction of records, the rules shall do all of the following:

- (a) Set forth data interchangeability standards.
- (b) Ensure continued maintenance of and access to the records by requiring the conversion of the digital data medium or the modification or replacement of the computer hardware or computer software before the digital data medium, algorithms, computer hardware, or computer software become obsolete.

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 medium that correctly and accurately reproduces the original.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.