

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5550

A bill to amend 1992 PA 116, entitled
"Records media act,"
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:

1 Sec. 2. (1) ~~Except to the extent limited~~ **Subject to the**
2 **requirements of this act and except as otherwise provided** by law,
3 ~~if~~ a governmental entity or a governmental official acting in
4 his or her official capacity ~~reproduces a record, the~~
5 ~~reproduction may be created~~ **may reproduce a record by** using any
6 of the following ~~media, subject to subsection (2)~~ **methods or**
7 **mediums:**
8 (a) Photograph.
9 (b) Photocopy.
10 (c) ~~Microcopy~~ **Microreproduction.**

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

13 (e) **Data transfer.**

14 (f) **Digitization.**

15 (g) **Digital migration.**

16 (h) **Digital imaging.**

17 (i) **Magnetic media.**

18 (j) **Printing.**

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

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

1 **the storage and reproduction of records** by a governmental entity
2 or governmental official acting in his or her official capacity.

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

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

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

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

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

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1 medium under this act.

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

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

12 (a) Senate Bill No. 1409.

 (b) House Bill No. 5657.