

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.

24.403 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.