

Act No. 488
Public Acts of 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Kosowski and Kesto

ENROLLED HOUSE BILL No. 4779

AN ACT to amend 1986 PA 268, entitled “An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates,” (MCL 4.1101 to 4.1901) by adding chapter 1A.

The People of the State of Michigan enact:

CHAPTER 1A.
UNIFORM ELECTRONIC LEGAL MATERIAL.

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.

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.

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.

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.

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.

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.

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.

Sec. 128. In implementing this chapter, an official publisher of legal material in an electronic record shall consider all of the following:

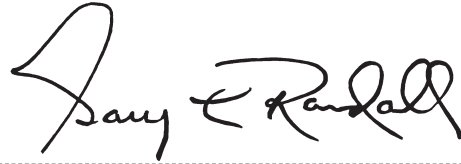
- (a) Standards and practices of other jurisdictions.
- (b) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies.
- (c) The needs 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.

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.

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.

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).

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor