

SUBSTITUTE FOR  
HOUSE BILL NO. 4949

A bill to amend 1984 PA 431, entitled  
"The management and budget act,"  
by amending sections 284, 287, 288, 289, and 292 (MCL 18.1284,  
18.1287, 18.1288, 18.1289, and 18.1292), sections 284, 288, and  
292 as added and section 289 as amended by 1988 PA 504 and  
section 287 as amended by 1992 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 284. As used in this section and sections 285 to 292:  
2       (a) "Archival value" means records which have been selected  
3 by the ~~archives section of the bureau of history in the~~ depart-  
4 ment of ~~state~~ HISTORY, ARTS, AND LIBRARIES as having enduring  
5 worth because they document the growth and development of this  
6 state from earlier times, including the territorial period; they  
7 evidence the creation, organization, development, operation,  
8 functions, or effects of state agencies; or because they contain

1 significant information about persons, things, problems, or  
2 conditions dealt with by state agencies.

3       (b) "Record" or "records" means a document, paper, letter,  
4 or writing, including documents, papers, books, letters, or writ-  
5 ings prepared by handwriting, typewriting, printing, photostat-  
6 ing, or photocopying; or a photograph, film, map, magnetic or  
7 paper tape, microform, magnetic or punch card, disc, drum, sound  
8 or video recording, electronic data processing material, or other  
9 recording medium, and includes individual letters, words, pic-  
10 tures, sounds, impulses, or symbols, or combination thereof,  
11 regardless of physical form or characteristics. Record may also  
12 include a record series, if applicable.

13       Sec. 287. (1) The department shall maintain a records man-  
14 agement program to provide for the development, implementation,  
15 and coordination of standards, procedures, and techniques for  
16 forms management, and for the creation, retention, maintenance,  
17 preservation, and disposition of the records of this state. All  
18 records of this state are and shall remain the property of this  
19 state and shall be preserved, stored, transferred, destroyed,  
20 disposed of, and otherwise managed pursuant to this act and other  
21 applicable provisions of law.

22       (2) In managing the records of this state, the department  
23 shall do all of the following:

24       (a) Establish, implement, and maintain standards, proce-  
25 dures, and techniques of records management throughout state  
26 agencies.

1 (b) Provide education, training, and information programs to  
2 state agencies regarding each phase of records management.

3 (c) Promote the establishment of a vital records program in  
4 each state agency by assisting in identifying and preserving  
5 records considered to be critically essential to the continued  
6 operation of state government or necessary to the protection of  
7 the rights and privileges of its citizens, or both. Preservation  
8 of designated vital records shall be accomplished by storing  
9 duplicate copies of the original records in a secure remote  
10 records center to assure retention of those records in the event  
11 of disaster and loss of original records.

12 (d) Operate a records center or centers for the purpose of  
13 providing maintenance, security, and preservation of state  
14 records.

15 (e) Provide centralized microfilming service and, after the  
16 effective date of rules promulgated under the records media act,  
17 1992 PA 116, MCL 24.401 TO 24.403, to govern optical storage,  
18 service for off-site storage of optical discs as an integral part  
19 of the records management program.

20 (f) Provide safeguards against unauthorized or unlawful dis-  
21 posal, removal, or loss of state records.

22 (g) Initiate action to recover a state record that may have  
23 been removed unlawfully or without authorization.

24 (h) Establish retention and disposal schedules for the offi-  
25 cial records of each state agency with consideration to their  
26 administrative, fiscal, legal, and archival value.

1 (3) The department shall issue directives that provide for  
2 all of the following:

3 (a) The security of records maintained by state agencies.

4 (b) The establishment of retention and disposal schedules  
5 for all records in view of their administrative, fiscal, legal,  
6 and archival value.

7 (c) The submission of proposed retention and disposal sched-  
8 ules to the ~~secretary of state~~, DEPARTMENT OF HISTORY, ARTS,  
9 AND LIBRARIES, the auditor general, the attorney general, and the  
10 board for review and approval.

11 (d) The transfer of records from a custodian state agency to  
12 a state records center or to the custody of the ~~secretary of~~  
13 ~~state~~ DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES.

14 (e) The disposal of records pursuant to retention and dis-  
15 posal schedules, or the transfer of records to the custody of the  
16 ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES.

17 (f) The establishment of a records management liaison offi-  
18 cer in each department to assist in maintaining a records manage-  
19 ment program.

20 (g) The cooperation of other state departments in complying  
21 with this act.

22 (h) The storage of records in orderly filing systems  
23 designed to make records conveniently accessible for use.

24 Sec. 288. A state agency shall permit the department or the  
25 ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES,  
26 upon request, to inspect or inventory records in the custody of  
27 the agency.

1       Sec. 289. (1) In reviewing a draft retention and disposal  
2 schedule, the ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS,  
3 AND LIBRARIES shall determine whether any records listed on the  
4 schedule possesses archival value and may disapprove or may  
5 require modification of a schedule which proposes the destruction  
6 of a record possessing archival value.

7       (2) In cooperation with the ~~archives division of the bureau~~  
8 ~~of history in the department of state,~~ DEPARTMENT OF HISTORY,  
9 ARTS, AND LIBRARIES, the department shall periodically provide  
10 the department of ~~state~~ HISTORY, ARTS, AND LIBRARIES with list-  
11 ings of all records in the custody of the records center that are  
12 due for disposal before releasing those records for destruction.  
13 Within 30 days after receiving these lists, the department of  
14 ~~state~~ HISTORY, ARTS, AND LIBRARIES shall report in writing to  
15 the records center regarding each list submitted, and may disap-  
16 prove the destruction of any or all of the records listed. Any  
17 record ~~which~~ THAT is considered to potentially have archival  
18 value by the ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS,  
19 AND LIBRARIES shall not be destroyed or otherwise disposed of but  
20 shall be transferred to the department of ~~state~~ HISTORY, ARTS,  
21 AND LIBRARIES.

22       (3) The department shall notify the state agency that cre-  
23 ated a record before its destruction or transfer to the state  
24 archives.

25       (4) The ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS,  
26 AND LIBRARIES may initiate legal action in circuit court to  
27 recover records possessing archival value when there is reason to

1 believe that records have been improperly or unlawfully removed  
2 from state custody. Upon initiation of any action, the court may  
3 issue a temporary restraining order preventing the sale, trans-  
4 fer, or destruction of a record pending the decision of the  
5 court.

6       Sec. 292. This act shall not be construed to prevent the  
7 ~~secretary of state~~ DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES  
8 from exercising ~~his or her~~ ITS responsibilities to ensure that  
9 records possessing historical value are protected and preserved  
10 in the state archives.

11       Enacting section 1. This amendatory act does not take  
12 effect unless House Bill No. 4941 of the 91st Legislature is  
13 enacted into law.