

HOUSE BILL No. 4915

July 2, 2003, Introduced by Rep. Meyer and referred to the Committee on Government Operations.

A bill to provide for the maintenance, storage, retrieval, and duplication of public records.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Public body" means any of the following, subject to
3 subsection (2):

4 (i) A state officer, employee, agency, department, division,
5 bureau, board, commission, council, authority, or other body in
6 the executive branch of the state government, but does not
7 include the governor or lieutenant governor, the executive office
8 of the governor or lieutenant governor, or employees thereof.

9 (ii) An agency, board, commission, or council in the
10 legislative branch of the state government.

11 (iii) A county, city, township, village, intercounty,
12 intercity, or regional governing body, council, school district,

1 special district, or municipal corporation, or a board,
2 department, commission, council, or agency thereof.

3 (iv) Any other body which is created by state or local
4 authority or which is primarily funded by or through state or
5 local authority.

6 (b) "Records media act" means the records media act, 1992
7 PA 116, MCL 24.401 to 24.403.

8 (2) Public body does not include the judiciary, including the
9 office of the county clerk and employees thereof when acting in
10 the capacity of clerk to the circuit court.

11 Sec. 2. (1) A public body may use a medium authorized under
12 the records media act to create, index, maintain, record, or file
13 a public record as required by law. An index, record, or file is
14 proprietary to the office or department of the public body that
15 creates, records, or files it and which office is statutorily
16 responsible as mandated by law.

17 (2) The constitutional officer or appointed official of that
18 office or department may waive fees for access to records or
19 copies of records created by a medium authorized under the
20 records media act and shared with another public body for that
21 public body's official use with a written intergovernmental or
22 intragovernmental agreement that specifies that the public body
23 receiving the record is prohibited from providing access to the
24 record to a third party.

25 Sec. 3. An index required to be created by a county, city,
26 or township government for the purpose of reception and retrieval
27 of records is open to public examination and inspection as

1 allowed by law, but shall only be duplicated by the office
2 responsible for maintaining records, or that office's designee,
3 solely for the purpose of security and protection of the
4 records.

5 Sec. 4. (1) An established fee or a fee that may be
6 established for copies of a public record, as authorized for sale
7 by statute, is considered a copy and perpetual maintenance fee.
8 Copy and perpetual maintenance fees shall be deposited in the
9 public body's general fund or as otherwise directed. Expenses of
10 maintaining and reproducing records and files according to the
11 records media act shall be provided from the public body's
12 general fund. All fees authorized by statute for duplication or
13 reproduction of records take precedence over other fees or
14 legislation regarding access to those records, regardless of the
15 medium on which the records are created, stored, or duplicated.

16 (2) Unless otherwise requested, the proprietary office or
17 department shall provide copies of the requested records or files
18 in a paper format upon payment of the established or statutory
19 fee. Reproductions in any other medium, as approved by the
20 records media act shall be based on the availability of the
21 medium in the proprietary office or department responsible for
22 the record or file and an established enhanced access policy. A
23 record or copy of a record produced by a method approved by the
24 records media act has the same effect and force as a paper record
25 or copy.

26 Sec. 5. An established fee or a fee that may be
27 established, as authorized by statute, for recording or filing of

1 a public record or document applies to all recordings and filings
2 created or presented in a medium approved by the records media
3 act. The record or document must be reproducible in a printout
4 or other output readable by sight from the medium and in the
5 sight-readable format shall meet all requirements as established
6 for the type of record or file and comply with all requirements
7 or prerequisites for recording or filing. The sight-readable
8 form shall be used to determine the recording or filing fee and
9 the fee for the reproduction or copy of the record or file.

10 Filings and recordings in any approved medium other than paper
11 shall only be acceptable if the technology, media, and means to
12 file, record, and reproduce the record or document are currently
13 available and operational in the recording or filing office and
14 an enhanced access policy exists. A recording or filing of a
15 record or document by a medium approved by the records media act
16 has the same effect and force as a paper filing or recording.