

**MICHIGAN HISTORICAL COMMISSION (EXCERPT)**  
**Act 271 of 1913**

\*\*\*\*\* 399.5 THIS SECTION IS REPEALED BY ACT 470 OF 2016 EFFECTIVE APRIL 5, 2017 \*\*\*\*\*

**399.5 Records; collection; preservation; copies as evidence; property of state; exceptions; inspection; disposal schedule.**

Sec. 5. (1) The commission may collect from the public offices in this state records that are not in current use and are of value, in the opinion of the commission. A public official shall assist the commission in the collection of such records. The commission is the legal custodian of such records collected and transferred to its possession. The commission shall provide for their preservation, classification, arranging, and indexing, so that they may be made available for the use of the public. In a county where there is a public institution having a fireproof building and suitable arrangements for carefully keeping such records, so that in the opinion of the commission they can be safely stored, the records may be left in the possession of that institution. A list of the records shall be furnished to the commission and shall be kept in its office. A copy of the finding of the commission that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the commission. If made and certified to by the secretary or archivist of the commission, a copy of such a record shall be admitted in evidence in court, with the same effect as if certified to by the original custodian of the record.

(2) A record that is required to be kept by a public officer in the discharge of duties imposed by law, that is required to be filed in a public office, or that is a memorial of a transaction of a public officer made in the discharge of a duty is the property of this state and shall not be disposed of, mutilated, or destroyed except as provided by law. This section does not apply to a bond, bill, note, interest coupon, or other evidence of indebtedness issued by a state, county, multicounty, school, or municipal agency, department, board, commission, or institution of government. The directing authority of each state, county, multicounty, school, or municipal agency, department, board, commission, or institution of government shall present to the commission a certified schedule governing disposal of, or a certified list or description of, the records that are useless and of no value to the governmental agency and to its duties to the public. The commission shall then inspect the records and shall requisition for transfer, from the directing authority to the commission, of records that the commission considers valuable.

(3) As soon as possible after the inspection by the commission and the transfer of considered valuable are completed, the directing authority of the agency, department, board, commission, or institution shall submit the schedule governing the disposal of, or the remainder of the list of, the records to the state administrative board, which shall approve or disapprove the disposal schedule or list and order the destruction of the valueless records accordingly.

**History:** 1913, Act 271, Imd. Eff. May 8, 1913;—CL 1915, 10731;—Am. 1923, Act 144, Eff. Aug. 30, 1923;—CL 1929, 8118;—Am. 1943, Act 172, Eff. July 30, 1943;—CL 1948, 399.5;—Am. 1952, Act 154, Eff. Sept. 18, 1952;—Am. 1955, Act 59, Eff. Oct. 14, 1955;—Am. 1959, Act 68, Eff. Mar. 19, 1960;—Am. 1992, Act 190, Imd. Eff. Oct. 5, 1992.

**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.

For transfer of powers and duties of department of history, arts, and libraries regarding state archives program to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.

For transfer of Michigan historical commission to department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.