



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4779 (Substitute S-1 as reported by the Committee of the Whole)
House Bill 4780 (Substitute H-1 as reported by the Committee of the Whole)
Sponsor: Representative Robert L Kosowski (H.B. 4779)
Representative Klint Kesto (H.B. 4780)
House Committee: Law and Justice
Senate Committee: Government Operations

CONTENT

House Bill 4779 (S-1) would add Chapter 1A to the Legislative Council Act to do the following:

- Specify that if an official publisher published legal material only in an electronic record, the publisher would have to designate the electronic record as official and comply with the requirements prescribed under Chapter 1A.
- Require an official publisher of legal material in an electronic record designated as official to authenticate the record.
- Specify that authenticated legal material in an electronic record would be presumed to be an accurate copy of that legal material.
- Specify that a party contesting the authentication of legal material would have the burden of proving by a preponderance of the evidence that the record was not authentic.
- Require an official publisher of official electronic legal material to provide for its preservation and security.
- Allow the Council Administrator to enter into a cooperative agreement with the State Court Administrative Office regarding authentication, preservation and publication of materials related to and created by the State's courts.

Chapter 1A would apply to all legal material in an electronic record that was designated as official and first published electronically on or after the bill's effective date.

House Bill 4780 (H-1) would amend the Public Act 193 of 1970, which provides for the compilation of the general laws of Michigan, to do the following:

- Require the Legislative Council and the Office of Performance and Transformation (OPT) to make those compilation available to the general public.
- Modify the information that the Council, or the OPT, would have to include for the general laws or the administrative rules.
- Require the Council to examine the electronic compilation of the Michigan Compiled Laws (MCL), and the OPT to examine the Michigan Administrative Code, as specified, and designate the electronic compilations as official.
- Specify that an individual contesting the accuracy of an electronic compilation of the MCL or the Code designated as official would have the burden of proving so by a preponderance of the evidence.

House Bill 4780 (H-1) is tie-barred to House Bill 4779.

Proposed MCL 4.1121 et al. (H.B. 4779)
MCL 8.41 & 8.47 (H.B. 4780)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 4779 (H-1) could have an indeterminate impact on the State for any necessary costs associated with information technology updates to properly archive and store the required legal materials. The costs are indeterminate and would depend on the current capacity of the Legislative Council to comply with the proposed bill's requirements; otherwise, additional funds could be necessary.

House Bill 4780 (H-1) would have no fiscal impact on State or local government.

Date Completed: 12-13-18

Fiscal Analyst: Joe Carrasco