

ELECTRONIC OR DIGITAL REPRODUCTION OF CONSTRUCTION DOCUMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 5197 and 5198 as introduced
Sponsor: Rep. Matt Maddock
Committee: Local Government and Municipal Finance
Complete to 1-22-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5197 would amend the Records Reproduction Act to allow municipalities to reproduce certain *construction documents* in electronic or digital file format, and dispose of the original documents, as long as certain conditions were met.

Construction document would include the specifications, bid documents, instructions to bidders, contract, bonds, drawings, blueprints, permits, site plans, change work orders, or stop work orders for a construction project.

Specifically, a construction document presented to a building official or municipal department could be electronically or digitally reproduced if all of the following conditions were met:

- The electronic or digital file format captured the entire document.
- The accuracy of the document was confirmed by a building official of that municipality, the municipality's planning commission, or a signed affidavit from the person who created the document.
- The document was easily accessible and publicly available at the clerk's office and on the municipality's website.
- The document was also reproduced in a PDF or other widely used secure electronic file format.
- A physical copy of the document was available from the municipality's clerk for a reasonable fee.
- A redundant copy of the document was kept at a bonded third-party digital storage vendor.

If the document were reproduced as specified above, the original document could be disposed of or destroyed as authorized under statute, unless it involved a historic site, in which case the original document would have to be retained by the municipality.

MCL 401.402a

House Bill 5198 would amend the Michigan Penal Code to provide that disposal of official records be subject to the changes to the Records Reproduction Act proposed in HB 5197.

MCL 750.491

The bills are tie-barred together, meaning that neither could take effect unless both were enacted.

FISCAL IMPACT:

The language of HB 5197 is permissive; therefore, the bill would have an unknown fiscal impact on local units of government. Any fiscal impact would depend on the difference in physical and digital storage costs and likely would be specific to the local unit of government. The cost of reproducing a physical copy of an electronically or digitally stored construction document presumably would be recouped by levying a reasonable fee.

There would be no discernible fiscal impact for the state or for local units of government resulting from HB 5198.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.