

HOUSE BILL NO. 5197

November 06, 2019, Introduced by Reps. Maddock, Berman, Vaupel, Allor, Green, Miller, Crawford, Steven Johnson, Huizenga, Paquette, Meerman, Bellino, Howell, Hornberger, Yaroch, LaFave and Markkanen and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1992 PA 116, entitled
"Records reproduction act,"
(MCL 24.401 to 24.406) by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2a. (1) A municipality may reproduce in any electronic or**
2 **digital file format a construction document that is or has been**
3 **presented to a building official or department of that municipality**
4 **if all of the following conditions are met:**

1 (a) The electronic or digital file format used by the
2 municipality captures the entire construction document.

3 (b) The accuracy of the construction document to be reproduced
4 in an electronic or digital file format is confirmed by a building
5 official of that municipality, the planning commission of that
6 municipality, or a signed affidavit from the individual who created
7 the construction document.

8 (c) The construction document reproduced in an electronic or
9 digital file format is easily accessible and publicly available at
10 the clerk's office and on the municipality's website.

11 (d) In addition to the electronic or digital file format used
12 by the municipality, the construction document is also reproduced
13 in a portable document format (PDF) or another widely used secure
14 electronic format.

15 (e) A physical copy of the construction document reproduced in
16 an electronic or digital file format is available from the clerk of
17 the municipality, or his or her designee, for a reasonable fee.

18 (f) A redundant copy of the construction document reproduced
19 in an electronic or digital file is kept at a bonded third-party
20 digital storage vendor.

21 (2) Except as otherwise provided in this subsection, if a
22 municipality electronically or digitally reproduces a construction
23 document as provided in subsection (1), the original construction
24 document may be disposed of or destroyed as authorized under
25 section 11 of the Michigan history center act, 2016 PA 470, MCL
26 399.811. If the original construction document reproduced in an
27 electronic or digital file format is for or involves a historic
28 site, the original construction document must be retained by the
29 municipality and may not be disposed of or destroyed.

1 (3) As used in this section:

2 (a) "Bonded third-party digital storage vendor" means a
3 business that provides digital storage and that maintains liability
4 insurance against negligence with a minimum policy limit of
5 \$500,000.00 per occurrence.

6 (b) "Construction document" includes, but is not limited to,
7 the specifications, bid documents, instructions to bidders,
8 contract, bonds, drawings, blueprints, permits, site plans, change
9 work orders, or stop work orders for a construction project.

10 (c) "Historic site" means any building recognized under
11 federal or state law as being a historic site including, but not
12 limited to, any historic site listed on the state register of
13 historic sites that is maintained under section 4 of the Governor
14 John B. Swainson Michigan historical markers act, 1955 PA 10, MCL
15 399.154.

16 (d) "Municipality" means a county, city, village, or township.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5198 (request no.
19 03381'19 a) of the 100th Legislature is enacted into law.