

MICHIGAN HISTORY CENTER ACT (EXCERPT)
Act 470 of 2016

399.811 Collection of records from public offices; records retention schedule.

Sec. 11.

(1) The archives 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 archives. A public official shall assist the archives in the collection of these records. The archives is the legal custodian of these records collected and transferred to its possession. The archives shall provide for record preservation, classification, arranging, and indexing so that they may be made available for the use of the public. If the archives determines that a public institution has a fireproof building and suitable arrangements for carefully keeping and safely storing a county's records, records may be left in the possession of that institution. A list of the county records in the possession of another public institution shall be furnished to the archives and shall be kept in its office. A copy of the finding of the archives that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the archives. If made and certified to by the archivist of the center, 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 archives 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 archives shall then inspect the records and shall requisition for transfer from the directing authority to the archives those records that the archives considers valuable.

(3) As soon as possible after the inspection by the archives and the transfer of records considered valuable are completed, the directing authority of the agency, department, board, commission, or institution shall submit the records retention 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: 2016, Act 470, Eff. Apr. 5, 2017

Compiler's Notes: For the transfer of powers and duties related to the state archives program from the department of natural resources to the department of technology, management and budget, see E.R.O. 2023-2, compiled at MCL 388.1283.