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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1339

February 26, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to state government; deleting a record retention provision; amending
1.3 Minnesota Statutes 2006, section 15.17, subdivision 1; repealing Minnesota
1.4 Statutes 2006, section 138.17, subdivisions 9, 10.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 15.17, subdivision 1, is amended to read:

1.7 Subdivision 1. **Must be kept.** All officers and agencies of the state, counties,
1.8 towns, school districts, municipal subdivisions or corporations, or other public authorities
1.9 or political entities within the state, hereinafter "public officer," shall make and preserve all
1.10 records necessary to a full and accurate knowledge of their official activities. Government
1.11 records may be produced in the form of computerized records. All government records
1.12 shall be made on a physical medium of a quality to insure permanent records. Every public
1.13 officer is empowered to reproduce records if the records are not deemed to be of permanent
1.14 or archival value by the commissioner of administration and the records disposition panel
1.15 under section 138.17. The public officer is empowered to reproduce these records by any
1.16 photographic, photostatic, microphotographic, optical disk imaging system, microfilming,
1.17 or other reproduction method that clearly and accurately reproduces the records. ~~If a~~
1.18 ~~record is deemed to be of permanent or archival value, any reproduction of the record must~~
1.19 ~~meet archival standards specified by the Minnesota Historical Society provided, however,~~
1.20 ~~that this section does not prohibit the use of nonerasable optical imaging systems for the~~
1.21 ~~preservation of archival records without the preservation of paper or microfilm copies.~~

1.22 Each public officer may order that those photographs, photostats, microphotographs,
1.23 microfilms, optical images, or other reproductions, be substituted for the originals of them.
1.24 The public officer may direct the destruction or sale for salvage or other disposition of the

2.1 originals from which they were made, in accordance with the disposition requirements of
2.2 section 138.17. Photographs, photostats, microphotographs, microfilms, optical images,
2.3 or other reproductions are for all purposes deemed the original recording of the papers,
2.4 books, documents, and records reproduced when so ordered by any public officer and
2.5 are admissible as evidence in all courts and proceedings of every kind. A facsimile or
2.6 exemplified or certified copy of a photograph, photostat, microphotograph, microfilm,
2.7 optical image, or other reproduction, or an enlargement or reduction of it, has the same
2.8 effect and weight as evidence as would a certified or exemplified copy of the original.

2.9 **Sec. 2. REPEALER.**

2.10 Minnesota Statutes 2006, section 138.17, subdivisions 9 and 10, are repealed.

138.17 GOVERNMENT RECORDS; ADMINISTRATION.

Subd. 9. **Optical disk standards.** The Records Disposition Panel shall develop standards for storage of all government records on optical disk by January 1, 1991.

Subd. 10. **Optical image storage.** (a) Any government record, including a record with archival value, may be transferred to and stored on a nonerasable optical imaging system and retained only in that format, if the requirements of this section are met.

(b) All documents preserved on nonerasable optical imaging systems must meet standards for permanent records specified in section 15.17, subdivision 1, and must be kept available for retrieval so long as any law requires. Standards under section 15.17, subdivision 1, may not be inconsistent with efficient use of optical imaging systems.

(c) A government entity storing a record on an optical imaging system shall create and store a backup copy of the record at a site other than the site where the original is kept. The government entity shall retain the backup copy and operable retrieval equipment so long as any law requires the original to be retained. The backup copy required by this paragraph must be preserved either (1) on a nonerasable optical imaging system; or (2) by another reproduction method approved by the records disposition panel.

(d) All contracts for the purchase of optical imaging systems used pursuant to this chapter shall contain terms that insure continued retrievability of the optically stored images and conform to any guidelines that may be established by the Office of Enterprise Technology for perpetuation of access to stored data.