

# HOUSE BILL No. 5812

September 16, 2014, Introduced by Rep. Yonker and referred to the Committee on Local Government.

A bill to amend 2010 PA 123, entitled "Uniform real property electronic recording act," by amending section 5 (MCL 565.845).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) ~~Effective January 1, 2011, an~~ **THE** electronic  
2 recording commission is created within the department of  
3 technology, management, and budget. The commission consists of 8  
4 members, as follows:

5           (a) The director of the department of technology, management,  
6 and budget or his or her designee, who ~~shall be~~ **IS** a nonvoting  
7 member.

8           (b) Seven members appointed by the governor, as follows:

9           (i) Four ~~shall be~~ **INDIVIDUALS WHO ARE** county registers of  
10 deeds.

1 (ii) One ~~shall be an~~ individual who is engaged in the land  
2 title profession.

3 (iii) One ~~shall be an~~ individual who is engaged in the business  
4 of banking.

5 (iv) One ~~shall be an~~ individual who is an attorney licensed to  
6 practice law in this state and whose practice emphasizes real  
7 property matters.

8 (2) The appointed members of the commission shall serve for  
9 terms of 2 years or until a successor is appointed, whichever is  
10 later, except that of the members first appointed 3 shall serve for  
11 1 year, 2 shall serve for 2 years, and 2 shall serve for 3 years.

12 (3) If a vacancy occurs on the commission, the governor shall  
13 make an appointment for the unexpired term in the same manner as  
14 the original appointment.

15 (4) The governor may remove an appointed member of the  
16 commission for incompetency, dereliction of duty, malfeasance,  
17 misfeasance, or nonfeasance in office, or any other good cause.

18 (5) The first meeting of the commission shall be called by the  
19 director of the department of technology, management, and budget.  
20 At the first meeting, the commission shall elect from among its  
21 members a chairperson and other officers as it considers necessary  
22 or appropriate. After the first meeting, the commission shall meet  
23 at least ~~quarterly,~~ **ANNUALLY**, or more frequently at the call of the  
24 chairperson or if requested by 5 or more members.

25 (6) A majority of the members of the commission constitute a  
26 quorum for the transaction of business at a meeting of the  
27 commission. A majority of the members present and serving are

1 required for official action of the commission.

2 (7) The business that the commission may perform shall be  
3 conducted at a public meeting of the commission held in compliance  
4 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

5 (8) A writing prepared, owned, used, in the possession of, or  
6 retained by the commission in the performance of an official  
7 function is subject to the freedom of information act, 1976 PA 442,  
8 MCL 15.231 to 15.246.

9 (9) Members of the commission shall serve without  
10 compensation. However, members of the commission may be reimbursed  
11 for their actual and necessary expenses incurred in the performance  
12 of their official duties as members of the commission.

13 (10) The commission shall adopt standards to implement this  
14 act. To keep the standards and practices of county registers of  
15 deeds in this state in harmony with the standards and practices of  
16 offices of county registers of deeds in other jurisdictions that  
17 enact substantially this act, and to keep the technology used by  
18 county registers of deeds in this state compatible with technology  
19 used by offices of county registers of deeds in other jurisdictions  
20 that enact substantially this act, the commission, so far as is  
21 consistent with the purposes, policies, and provisions of this act,  
22 in adopting, amending, and repealing standards, shall consider all  
23 of the following:

24 (a) Standards and practices of other jurisdictions.

25 (b) The most recent standards promulgated by national  
26 standard-setting bodies, such as the property records industry  
27 association.

1           (c) The views of interested persons and governmental officials  
2 and entities.

3           (d) The needs of counties of varying size, population, and  
4 resources.

5           (e) Standards requiring adequate information security  
6 protection to ensure that electronic documents are accurate,  
7 authentic, adequately preserved, and resistant to tampering.