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House Bill 4075 (as passed by the House)
Sponsor: Representative Bruce R. Rendon
House Committee: Local Government
Senate Committee: Local Government

Date Completed: 4-21-15

CONTENT

The bill would amend Public Act 161 of 1895, which requires county treasurers to furnish transcripts and abstracts of records and sets the fees to be paid for them, to do the following:

- **Establish a maximum charge of 25 cents per parcel record, not to exceed \$1,500, for each request for an electronic copy of records in a qualified data file maintained by a county treasurer.**
- **Delete a requirement that a county treasurer collect a fee of 25 cents for each description of land on a requested list of State tax lands or State bids.**
- **Increase from \$1 to \$5 the minimum fee a county treasurer must collect for descriptions of land contained in tax certificates filed with the register of deeds.**

Cap on Fees for Electronic Copies

Section 1 of Public Act 161 requires a county treasurer to collect certain fees for requests of transcripts of any paper or record on file in the treasurer's office. The treasurer also must collect a fee for each description of land contained in a certificate, for statements in respect to the payment of taxes, required by Section 135 of the General Property Tax Act (described below). Under the bill, these requirements would apply except as provided for electronic copy requests.

The bill provides that the maximum charge for the required fees would be 25 cents per parcel record, not to exceed \$1,500, for each request made under Section 1, if the request were for an electronic copy of records in a qualified data file that was maintained with the county treasurer. A response to a request for an electronic copy of records in the qualified data file would have to be transmitted electronically using a format that was documented by an open standards organization and that had defined, delimited fields. Copies of records obtained electronically from a qualified data file could not be resold for a commercial purpose.

As used in Public Act 161, "qualified data file" would mean an electronic data file that includes at least the following information in the record for each parcel of real property in the county for the current tax year:

- The taxable value.
- The State equalized value.
- The assessed value.
- Past sales data.
- Property classification.

- Property address.
- Parcel identification number.
- Owner name and address.
- Taxpayer name and address.
- Principal residence status.
- Other tax equalization data.
- Special assessments.
- Total millage rate.
- Enumerated millage list.
- Tax bill amount for winter tax bill.
- Tax bill amount for summer tax bill.

(Under Section 135 of the General Property Tax Act, if any deed, land contract, plat of any townsite or village, addition to any townsite, village, or city plat, or any other instrument for the conveyance of title to any property, is presented to a county register of deeds for recording or filing, the register of deeds must require all of the following from the person presenting the instrument for filing:

- A certificate from the State Treasurer, or from the county treasurer, stating whether there are any tax liens or titles held by the State, or by any individual, against the property sought to be conveyed by the instrument.
- A certificate that all taxes due on that property have been paid for the five years preceding the date of the instrument.
- A certificate from the treasurer of the city, village, or township where the property is located, whether there are any tax titles or certificates of tax sale held by the city, village, or township, or by an individual against the property to be conveyed.
- A certificate that all tax titles, tax certificates, or special assessments sold on the property to the city, village, or township have been redeemed for the five years preceding the date of the instrument.)

Deleted Fee

The Act requires a county treasurer to collect a fee of 25 cents for each description of land on a list of State tax lands or State bids. The bill would delete that requirement.

Increase in Minimum Amount Collected

For statements required by Section 135 of the General Property Tax Act, in respect to the payment of taxes, the county treasurer must collect 20 cents for each description of land contained in the certificate but the total amount paid may not be less than \$1. Under the bill, the total amount paid could not be less than \$5.

MCL 48.101

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an unknown impact on county revenue. Increasing the minimum charge for statements of the payment of taxes on a parcel from \$1 to \$5 would increase county revenue. The proposed maximum charges for certain electronic records requests of 25 cents per parcel record, with a maximum of \$1,500 per request, have the potential to reduce county revenue and potentially result in fees that would not cover the cost of the services provided. The overall impact on a county would depend on the number, size, and type of requests received for tax statements and certain electronic records, and for an eligible charter county with a population over 2,000,000, the change from the current level of fees. The statute authorizes a charter county with a population of more than 2,000,000 to set its own fees for these services, with the requirement that the fees charged are not greater than the cost of

providing the services. The bill would apply the proposed maximum charges of 25 cents per record and \$1,500 maximum charge per request for electronic records in electronic format to a charter county with a population of more than 2,000,000. As of the 2010 U.S. Census, however, there are no counties in Michigan with a population of over 2,000,000. Michigan's largest county in terms of population is Wayne County with a 2010 census of 1,820,584.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.