

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

BOARD OF COMMISSIONERS—OPPOSE HOUSE BILLS 4729, 4730, 4731, 4732

WHEREAS, Zillow has spearheaded legislation to undermine the integrity of the Register of Deeds' and Treasurers' offices across the state of Michigan, which will greatly reduce revenues needed to fund the daily operation of both offices; and

WHEREAS, Zillow, a for profit corporation, is lobbying the State of Michigan legislature to pass legislation that will provide them copies of any official records maintained by both the Register of Deeds' and the Treasurers' offices at an insignificant fee or, in some cases, 100% free of charge; and

WHEREAS, if these Bills become law, Zillow will have the ability to demand the manner in which the Register of Deeds and Treasurer must provide copies of official records; and

WHEREAS, if these Bills become law, they would impose new restrictions and limits on what the Register of Deeds and Treasurer Offices can charge for parcel cards; and

WHEREAS, the burden to fund the Register of Deeds and the Treasury Departments would fall more heavily on the taxpayers of Allegan County due to providing official records to out-of-state entities and corporate organizations; and

WHEREAS, Zillow will profit on selling publicly owned records, provided to them free of charge, while at the same time placing Allegan County and other Michigan residents at a higher risk for fraud and theft; and

WHEREAS, the Michigan Association of Counties, the Michigan Association of County Treasurers, Michigan Association of County clerk, the Michigan Municipal League, and the Michigan Association of Register of Deeds, and bipartisan organizations, are united in opposing Michigan House Bills 4729, 4730, 4731, 4732.

THEREFORE BE IT RESOLVED that the Allegan County Board of Commissioners stand in solidarity with the Allegan County Clerk/Register of Deeds and the Allegan County Treasurer to oppose HB's 4729, 4730, 4731, 4732 and stand up to corporations that data mine and benefit financially from public records at the expense of the taxpayers; and

BE IT FINALLY RESOLVED that a copy of this resolution in opposition to the above bills be forwarded to the Speaker of the House of Representatives, Representative, Senate Majority Leader, Senator, the Senare Representative of Allegan County, Senator, the House of Representatives of Allegan County, Representative, and the Governor of the State of Michigan, the Michigan Association of Counties, Michigan Association of County Treasurers, Michigan

Association of County Clerks, and the Michigan Association of
Register of Deeds.

DRAFT

Legislative Analysis



REPRODUCTIONS OF CERTAIN RECORDS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4729 as introduced
Sponsor: Rep. John D. Cherry

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4730 as introduced
Sponsor: Rep. Julie Calley

House Bill 4731 as introduced
Sponsor: Rep. Mari Manoogian

House Bill 4732 as introduced
Sponsor: Rep. Steve Marino

Committee: Commerce and Tourism
Revised 11-22-21

SUMMARY:

House Bills 4729 to 4732 would amend different acts to revise procedures and fees for, and change the scope of certain provisions regarding, accessing and copying certain records on file with a register of deeds or county treasurer or prepared under the General Property Tax Act.

House Bill 4729 would amend 1875 PA 54, which governs the inspection and reproduction of register of deeds records, to change procedures regarding requests for copies of a record or file.

Under current law, if an individual requests a reproduction of a record or file, the register of deeds must do one of the following (at the option of the register of deeds):

- Reproduce the record or file using a medium chosen by the register of deeds.
- Provide equipment for the individual to reproduce the record or file using a medium chosen by the register of deeds.
- Authorize the individual to reproduce the record or file on the premises using equipment provided by the individual.

The bill would amend this provision to allow the individual requesting the reproduction to choose the process and medium for the reproduction. Under the bill, if an individual requested a reproduction of a record or file, the register of deeds would have to do one of the following (at the option of the requestor):

- Reproduce the record or file using a medium chosen by the requestor. (If the medium specified by the requestor were not available, the register of deeds would have to furnish the record or file in a paper format or in the format in which it is maintained by the register of deeds, as chosen by the requestor.)
- If feasible for the register of deeds, provide equipment for the individual to reproduce the record or file using a medium chosen by the requestor.
- Authorize the requestor to reproduce the record or file on the premises using equipment provided by the requestor.

MCL 565.551

House Bill 4730 would amend 1895 PA 161, which concerns records of county treasurers, to change certain requirements for qualified data files under the act.

Section 1 of the act provides that a county treasurer must make copies upon request of a record on file in the treasurer's office and prescribes a schedule of fees for doing so. Among provisions concerning other records and fees, the act provides a maximum charge of 25 cents per parcel record, up to a total of \$1,500 for each request, if the request is for an electronic copy of records in a *qualified data file* that is maintained with the county treasurer.

The act currently defines *qualified data file* as 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 sale 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.

The bill would retain most of the above definition, except that the listed items would be referred to as "fields" instead of "information," and instead of having to include all of the listed items in the record for each parcel of real property in the county for the current tax year, the qualified data file would have include at least four of the listed items (fields).

MCL 48.101

House Bill 4731 would amend the Enhanced Access to Public Records Act, which addresses the availability of certain public records for public inspection and copying by digital means (which the act calls "enhanced access").

The bill would provide that the act does not apply to either of the following:

- A request for enhanced access to a property assessment roll prepared by a supervisor or other assessing officer under the General Property Tax Act.
- A request for enhanced access to a property appraisal card (except maps and imagery of the property included in the card) prepared under the General Property Tax Act.

MCL 15.443

House Bill 4732 would amend the Revised Judicature Act to change fees that can be charged by a register of deeds for copies of records in electronic format.

Currently, the fee for copies of any papers or records is \$1 per page.

Under the bill, that fee would apply to records in paper format. For copies of any records in electronic format, if required, the fee would be the actual cost of purchasing and sending the device or medium used to record or store the data, such as a disc, diskette, tape, or other electronic medium.

MCL 600.2567

The bills are tie-barred together, which means that none of them could take effect unless all of them were enacted.

FISCAL IMPACT:

The bills likely would increase certain administrative costs for local units of government by an unknown and differing amount based on the operational characteristics of the local unit of government. However, it is anticipated that the provisions that would allow for fees to be collected would cover any costs incurred by the local unit of government.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.