

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT (EXCERPT)
Act 123 of 2010

565.845 Electronic recording commission; creation; membership; terms; vacancy; removal; meetings; quorum; business conducted at public meeting; writing subject to freedom of information act; compensation; establishment of standards.

Sec. 5.

(1) The electronic recording commission is created within the department of technology, management, and budget. The commission consists of 8 members, as follows:

(a) The director of the department of technology, management, and budget or his or her designee, who is a nonvoting member.

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

(i) Four individuals who are county registers of deeds.

(ii) One individual who is engaged in the land title profession.

(iii) One individual who is engaged in the business of banking.

(iv) One individual who is an attorney licensed to practice law in this state and whose practice emphasizes real property matters.

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

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

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

(5) The first meeting of the commission shall be called by the director of the department of technology, management, and budget. At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least annually, or more frequently at the call of the chairperson or if requested by 5 or more members.

(6) A majority of the members of the commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members present and serving are required for official action of the commission.

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

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

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

(10) The commission shall adopt standards to implement this act and standards that address the acceptance and use of electronic notarization of documents submitted to a county register of deeds for recording. To keep the standards and practices of county registers of deeds in this state in harmony with the standards and practices of offices of county registers of deeds in other jurisdictions that enact substantially this act, and to keep the technology used by county registers of deeds in this state compatible with technology used by offices of county registers of deeds in other jurisdictions that enact substantially this act, the commission, so far as is consistent with the purposes, policies, and provisions of this act, in adopting, amending, and repealing standards, shall consider all of the following:

(a) Standards and practices of other jurisdictions.

(b) The most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association.

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

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

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

History: 2010, Act 123, Imd. Eff. July 19, 2010 ;-- Am. 2014, Act 569, Imd. Eff. Jan. 15, 2015 ;-- Am. 2018, Act 364, Eff. Mar. 12, 2019