

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5084

(As passed the House, October 14, 1997)

A bill to amend 1990 PA 345, entitled
"State survey and remonumentation act,"
by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268,
and 54.272).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Commission" means the ~~state survey and remonumentation~~
3 ~~commission created in section 3~~ DIRECTOR OF THE DEPARTMENT OF
4 CONSUMER AND INDUSTRY SERVICES.

5 (b) "County plan" means a county monumentation and remonu-
6 mentation plan under section 8.

7 (c) "Executive director" means the person appointed to that
8 office under section 7.

9 (d) "Fund" means the state survey and remonumentation fund
10 created in section 11.

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

2

1 (e) "Property controlling corner" for a property means a
2 public land survey corner or any property corner ~~which~~ THAT
3 does not lie on a property line of the property in question but
4 ~~which~~ THAT controls the location of 1 or more of the property
5 corners of the property in question.

6 Sec. 6. (1) The commission shall do all of the following:

7 (a) Coordinate the restoration, maintenance, and the preser-
8 vation of the land survey records of vertical and horizontal mon-
9 uments, the public land survey system, and the property control-
10 ling corners established by the United States public land survey
11 and by the national geodetic survey within this state, including,
12 but not necessarily limited to, all pertinent field notes, plats,
13 and documents; and coordinate the restoration, establishment,
14 maintenance, and preservation of other boundary records otherwise
15 established by law, or considered by the commission to be of
16 importance.

17 (b) Establish, maintain, and provide safe storage facilities
18 for a comprehensive system of recordation and dissemination of
19 land information records.

20 (c) Coordinate the extension, densification, and maintenance
21 of the horizontal and vertical control networks initiated by the
22 federal government through the national geodetic survey and the
23 United States geological survey.

24 (d) Coordinate the collection and preservation of informa-
25 tion obtained from surveys made by persons or organizations
26 authorized to establish monuments or land boundaries, and to

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

3

1 assist in proper recording of monuments or land boundaries by
2 county surveyors or registers of deeds.

3 (e) Foster, encourage, and promote the establishment of
4 remonumentation programs in every county in ~~the~~ THIS state.

5 (f) Establish and maintain a data base of information on
6 approved monumented horizontal and vertical control in ~~the~~ THIS
7 state.

8 (g) On or before October 1, 1993, and biennially
9 ~~thereafter~~ AFTER OCTOBER 1, 1993, submit a report to the
10 legislature. The report shall include, but not be limited to,
11 ALL OF the following:

12 (i) A summary of the commission's activities regarding
13 administration of this act.

14 (ii) An assessment of the progress of the implementation of
15 county monumentation and remonumentation plans throughout ~~the~~
16 THIS state.

17 (iii) A statement regarding the amount of money that was
18 received and disbursed from the fund.

19 (iv) An assessment of how much money is necessary to carry
20 out monumentation or remonumentation of the entire state.

21 (v) An assessment of whether the money received in the fund
22 is adequate to implement this act.

23 (vi) Recommendations including, but not limited to, the
24 level of funding that is necessary to implement this act.

25 (h) On or before October 1, 1993, submit a copy of the ini-
26 tial report that is prepared pursuant to subdivision (g) to the
27 county board of commissioners of each county of this state.

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

4

1 (i) Establish and administer a grant program to counties to
2 implement this act.

3 (2) IF A COUNTY OR 2 OR MORE COUNTIES ELECT TO EXPEDITE THE
4 COUNTY'S OR COUNTIES' PLAN AS PROVIDED IN SECTION 8(5), THE COM-
5 MISSION SHALL ENTER INTO A CONTRACT DESCRIBED IN SECTION 8(5) TO
6 PAY OR REIMBURSE THE COSTS OF EXPEDITING THE PLAN. THE AMOUNT
7 EXPENDED OR BORROWED FOR EXPEDITING THE COUNTY'S OR COUNTIES'
8 PLAN SHALL BE PAID FROM THE FUND AS PROVIDED IN SECTION 12(2) AND
9 (4).

10 Sec. 8. (1) Each county shall establish a county monumenta-
11 tion and remonumentation plan. Not later than 1 year after the
12 effective date of this act, the commission shall create and dis-
13 tribute a model county plan ~~—, which—~~ THAT may be adopted by a
14 county with any changes appropriate for that county. Not later
15 than ~~3 years after the effective date of this act~~ JANUARY 1,
16 1994, each county shall have submitted a county plan that is
17 approved by the commission.

18 (2) A county plan shall provide for all of the following:

19 (a) The monumentation or remonumentation of the entire
20 county, within 20 years, under the guidelines of the manual of
21 instructions for the survey of the public lands of the United
22 States, 1973, prepared by the bureau of land management of the
23 department of interior, technical bulletin 6, or subsequent
24 editions.

25 (b) The provision of copies of all survey monumentation
26 information produced by the county plan to the county surveyor
27 and the commission.

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

5

1 (c) The filing with the county surveyor and the commission
2 of copies of all monumentation or remonumentation documents
3 required to be recorded with the register of deeds ~~pursuant to~~
4 UNDER the corner recordation act, ~~Act No. 74 of the Public Acts~~
5 ~~of 1970, being sections 54.201 to 54.210d of the Michigan~~
6 ~~Compiled Laws~~ 1970 PA 74, MCL 54.201 TO 54.210D, or recorded
7 with the register of deeds pursuant to ~~Act No. 132 of the Public~~
8 ~~Acts of 1970, being sections 54.211 to 54.213 of the Michigan~~
9 ~~Compiled Laws~~ 1970 PA 132, MCL 54.211 TO 54.213.

10 (d) A perpetual monument maintenance plan that provides for
11 all corners to be checked, and if necessary remonumented, at
12 least once every 20 years.

13 (e) Any other provisions reasonably required by the commis-
14 sion for purposes of this act.

15 (3) Two or more contiguous counties may submit a multicounty
16 plan, which shall meet the same requirements within each member
17 county as are established for a county plan under this act.

18 (4) If a county fails to establish and submit a plan that is
19 approved by the commission within the time required under subsec-
20 tion (1), the commission shall initiate and contract for the
21 implementation of a county plan in that county pursuant to
22 section 10.

23 (5) UPON THE ESTABLISHMENT AND APPROVAL BY THE COMMISSION OF
24 A COUNTY PLAN, A COUNTY MAY EXPEND OR BORROW FUNDS TO EXPEDITE
25 THE COMPLETION OF ITS PLAN. IF A COUNTY OR 2 OR MORE COUNTIES
26 ELECT TO EXPEND OR BORROW FUNDS TO EXPEDITE THEIR COUNTY PLAN,
27 THE COMMISSION SHALL ENTER INTO A CONTRACT TO PROVIDE THAT THE

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

6

1 COSTS TO EXPEDITE THAT PLAN ARE REIMBURSED OR PAID FROM THE FUND
2 AS PROVIDED IN SECTION 12(2) AND (4).

3 (6) A COUNTY OR 2 OR MORE COUNTIES THAT EXPENDED OR BORROWED
4 MONEY TO EXPEDITE THEIR COUNTY PLAN AFTER JANUARY 1, 1991 MAY
5 RECAPTURE COSTS EXPENDED OR BORROWED AND USED TO EXPEDITE THAT
6 PLAN, WHICH SHALL BE PAID OUT OF THE FUND AS PROVIDED IN SECTION
7 12(2) AND (4). THE COMMISSION SHALL PAY THOSE COSTS TO THE
8 COUNTY OVER A PERIOD OF NOT LESS THAN 10 YEARS.

9 Sec. 12. (1) Money in the fund shall be used by the commis-
10 sion for the following purposes:

11 (a) Annual grants to the various counties to implement their
12 county plans, excluding the perpetual monument maintenance plan
13 described in section 8(2)(d).

14 (b) Annual grants to 2 or more counties to implement their
15 multicounty plan, excluding the perpetual monument maintenance
16 plan described in section 8(2)(d).

17 (c) The implementation of county plans that are initiated
18 and contracted for by the commission pursuant to section 8(4).

19 (d) An annual grant to each county that has a county plan or
20 to 2 or more counties that have a multicounty plan to implement
21 the perpetual monument maintenance plan described in
22 section 8(2)(d). The commission shall make not less than 5% of
23 the total amount of the fund available for grants ~~pursuant to~~
24 UNDER this subdivision.

25 (e) The payment of contracts that are entered into by the
26 commission ~~pursuant to~~ UNDER section 10.

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

7

1 (f) Other activities necessary, incidental, or appropriate
2 ~~for the implementation of~~ TO IMPLEMENT this act.

3 (2) IN ADDITION TO THE PURPOSES DESCRIBED IN SUBSECTION (1),
4 MONEY IN THE FUND SHALL BE USED TO PAY THE COSTS OF EXPEDITING A
5 PLAN OR TO REIMBURSE THE COST DESCRIBED IN SECTION 8(6), FOR A
6 COUNTY OR 2 OR MORE COUNTIES THAT HAVE ELECTED TO EXPEND OR
7 BORROW FUNDS TO EXPEDITE THE IMPLEMENTATION OF THE COUNTY'S OR
8 COUNTIES' PLAN.

9 (3) ~~(2)~~ Of the money collected and remitted to the state
10 treasurer for deposit in the fund pursuant to section 2567a of
11 the revised judicature act of 1961, ~~Act No. 236 of the Public~~
12 ~~Acts of 1961, being section 600.2567a of the Michigan Compiled~~
13 ~~Laws~~ 1961 PA 236, MCL 600.2567A, BOTH OF the following shall
14 apply:

15 (a) An annual grant to a county pursuant to
16 subsection (1)(a) or to 2 or more counties pursuant to
17 subsection (1)(b) shall be in an amount that is not less than
18 ~~20%~~ 40% of the ~~aggregate~~ amount of money collected in that
19 county or those counties, as applicable, ~~pursuant to~~
20 ~~sections 2567(2) and~~ UNDER SECTION 2567a of ~~Act No. 236 of the~~
21 ~~Public Acts of 1961, being sections 600.2567 and 600.2567a of the~~
22 ~~Michigan Compiled Laws,~~ THE REVISED JUDICATURE ACT OF 1961, 1961
23 PA 236, MCL 600.2567A, during the calendar year immediately pre-
24 ceding the year in which the grant is made.

25 (b) If the commission initiates and contracts for the imple-
26 mentation of a county plan for a county pursuant to section 8(4),
27 the commission shall annually spend an amount that is not less

HB 5084, As Passed Senate, January 27, 1998

House Bill No. 5084

8

1 than ~~20%~~ 40% of the ~~aggregate~~ amount of money collected in
2 that county pursuant to ~~sections 2567(2) and~~ SECTION 2567a of
3 ~~Act No. 236 of the Public Acts of 1961, being sections 600.2567~~
4 ~~and 600.2567a of the Michigan Compiled Laws~~ THE REVISED JUDICA-
5 TURE ACT OF 1961, 1961 PA 236, MCL 600.2567A, during the calendar
6 year immediately preceding the year in which the expenditure is
7 made, to implement that county plan.

8 (4) IF THE COMMISSION CONTRACTS WITH A COUNTY OR 2 OR MORE
9 COUNTIES THAT ELECT TO EXPEND OR BORROW FUNDS TO EXPEDITE THE
10 IMPLEMENTATION OF THE COUNTY'S OR COUNTIES' PLAN PURSUANT TO SEC-
11 TION 6(2), THE COMMISSION SHALL ANNUALLY PAY TO THAT COUNTY OR
12 COUNTIES IN LIEU OF ANY GRANT OR PAYMENTS UNDER SUBSECTION (3) AN
13 AMOUNT THAT IS NOT LESS THAN 40% OF THE AMOUNT OF MONEY COLLECTED
14 IN THAT COUNTY OR COUNTIES UNDER SECTION 2567A OF THE REVISED
15 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2567A, DURING THE
16 CALENDAR YEAR AND WILL BE PAID IN ANNUAL INSTALLMENTS UNTIL THE
17 CONTRACT IS PAID IN FULL.