

SENATE BILL No. 1300

September 20, 2012, Introduced by Senator MEEKHOF and referred to the Committee on Local Government and Elections.

A bill to amend 1990 PA 345, entitled
"State survey and remonumentation act,"
by amending sections 8, 12, and 15 (MCL 54.268, 54.272, and
54.275), section 8 as amended by 2002 PA 489 and section 12 as
amended by 2010 PA 260.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Each county shall establish a county monumentation
2 and remonumentation plan. ~~Not later than 1 year after January 1,~~
3 ~~1991, the commission shall create and distribute a model county~~
4 ~~plan that may be adopted by a county with any changes appropriate~~
5 ~~for that county.~~ Not later than January 1, 1994, each county shall
6 ~~have submitted~~ **SUBMIT** a county plan that is approved by the
7 commission.

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

1 (a) The monumentation or remonumentation of the entire county,
2 within 20 years, **UNLESS THAT TIME PERIOD IS EXTENDED UNDER**
3 **SUBSECTION (8)**, under the guidelines of the manual of instructions
4 for the survey of the public lands of the United States, 1973,
5 prepared by the bureau of land management of the department of
6 interior, technical bulletin 6, or subsequent editions.

7 (b) The provision of copies of all survey monumentation
8 information produced by the county plan to the county surveyor and
9 the commission.

10 (c) The filing with the county surveyor and the commission of
11 copies of all monumentation or remonumentation documents required
12 to be recorded with the register of deeds under the corner
13 recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or recorded
14 with the register of deeds under 1970 PA 132, MCL 54.211 to 54.213.

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

18 (e) Any other provisions reasonably required by the commission
19 for purposes of this act.

20 (3) Two or more contiguous counties may submit a multicounty
21 plan, ~~which shall meet~~ **THAT, FOR EACH COUNTY, MEETS** the same
22 requirements ~~within each member county as are established~~ for a
23 county plan under this act.

24 (4) If a county fails to establish and submit a plan that is
25 approved by the commission within the time required under
26 subsection (1), the commission shall initiate and contract for the
27 implementation of a county plan in that county pursuant to section

1 10.

2 (5) Upon the establishment and approval by the commission of a
3 county plan, a county may expend or borrow funds to expedite the
4 completion of its plan. If a county or 2 or more counties elect to
5 expend or borrow funds to expedite their county plan, the
6 commission shall enter into a contract to provide that the costs to
7 expedite that plan including the payment of the principal of and
8 interest on the bonds issued under subsection (7) are reimbursed or
9 paid from the fund as provided in section 12(2) and (4).

10 (6) ~~A-SUBJECT TO SECTION 12(5),~~ A county or 2 or more counties
11 that expended or borrowed money to expedite their county plan after
12 January 1, 1991 may recapture costs expended or borrowed and used
13 to expedite that plan, which shall be paid out of the fund as
14 provided in section 12(2) and (4). The commission shall pay those
15 costs to the county over a period of not less than 10 years.

16 (7) Upon the establishment and approval by the commission of a
17 county plan, a county or 2 or more counties seeking to expedite
18 their county plan may by resolution of the county board of
19 commissioners, and without the vote of its electors, issue bonds
20 payable primarily from the money received or to be received under
21 the contract provided for in subsection (5). These bonds may be
22 secured by a limited tax full faith and credit pledge of the county
23 or counties. The bonds shall be payable in annual installments, and
24 unless otherwise determined by the commission, the annual
25 installments are not to exceed the length of the contract that the
26 county or counties entered into with the commission under
27 subsection (5). The issuance of bonds under this section ~~shall be~~

1 IS subject to ~~the provisions of~~ the revised municipal finance act,
2 2001 PA 34, MCL 141.2101 to 141.2821.

3 (8) A COUNTY THAT SUBMITTED A PLAN PROVIDING FOR THE
4 MONUMENTATION OR REMONUMENTATION OF THE COUNTY WITHIN 20 YEARS MAY
5 REQUEST THAT THE COMMISSION APPROVE A MODIFICATION TO THE PLAN THAT
6 EXTENDS THAT TIME PERIOD BY NOT MORE THAN AN ADDITIONAL 20 YEARS.
7 THE COMMISSION SHALL GRANT THE REQUEST UNLESS IT FINDS THAT THE
8 COUNTY HAS NOT MADE A GOOD-FAITH EFFORT TO CARRY OUT ITS PLAN AS
9 ORIGINALLY SUBMITTED.

10 Sec. 12. (1) ~~Money~~ **SUBJECT TO SUBSECTION (5), MONEY** in the
11 fund shall be used by the commission for the following purposes:

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

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

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

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

25 (e) The payment of contracts that are entered into by the
26 commission under section 10.

27 (f) Other activities necessary, incidental, or appropriate to

1 implement this act.

2 (2) ~~In~~ **SUBJECT TO SUBSECTION (5), IN** addition to the purposes
3 described in subsection (1), money in the fund shall be used to pay
4 the costs of expediting a plan or to reimburse the ~~cost~~ **COSTS**
5 described in section 8(6) and (7), for a county or 2 or more
6 counties that have elected **UNDER SECTION 8(5)** to expend or borrow
7 funds to expedite the implementation of the county's or counties'
8 plan.

9 (3) ~~Of~~ **SUBJECT TO SUBSECTION (5), BOTH OF THE FOLLOWING APPLY**
10 **TO EXPENDITURES OF** the money collected and remitted to the state
11 treasurer for deposit in the fund pursuant to section 2567a of the
12 revised judicature act of 1961, 1961 PA 236, MCL 600.2567a: ~~both~~
13 ~~of the following shall apply:~~

14 (a) An annual grant to a county pursuant to subsection (1)(a)
15 or to 2 or more counties pursuant to subsection (1)(b) shall be in
16 an amount that is not less than 40% of the amount of money
17 collected in that county or those counties, as applicable, under
18 section 2567a of the revised judicature act of 1961, 1961 PA 236,
19 MCL 600.2567a, during the calendar year immediately preceding the
20 year in which the grant is made.

21 (b) If the commission initiates and contracts for the
22 implementation of a county plan for a county pursuant to section
23 8(4), the commission shall annually spend an amount that is not
24 less than 40% of the amount of money collected in that county under
25 section 2567a of the revised judicature act of 1961, 1961 PA 236,
26 MCL 600.2567a, during the calendar year immediately preceding the
27 year in which the expenditure is made, to implement that county

1 plan.

2 (4) ~~IF~~**SUBJECT TO SUBSECTION (5), IF** the commission contracts
 3 **UNDER SECTION 6(2)** with a county or 2 or more counties that elect
 4 to expend or borrow funds to expedite the implementation of the
 5 county's or counties' plan under section ~~6(2)~~**8(5)**, the commission
 6 shall annually pay to that county or **THOSE** counties **UNTIL THE**
 7 **CONTRACT IS PAID IN FULL**, in lieu of any grant or payments under
 8 subsection (3) an amount that is not less than 40% of the amount of
 9 money collected in that county or counties under section 2567a of
 10 the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a,
 11 during the calendar year. ~~and will be paid in annual installments~~
 12 ~~until the contract is paid in full.~~

13 (5) **A COUNTY THAT RETAINS FEES UNDER SECTION 2567A(3) (B) OF**
 14 **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2567A, IS**
 15 **NOT ELIGIBLE FOR A GRANT OR PAYMENT UNDER SECTION 8(6) OR THIS**
 16 **SECTION.**

17 (6) ~~(5)~~In addition to the purposes described in subsections
 18 (1) and (2), any amount of money not greater than \$500,000.00 that
 19 is appropriated by the legislature to pay the costs of the
 20 monumentation of the Michigan-Indiana state boundary line pursuant
 21 to the Michigan and Indiana state line monument ~~monument~~**MONUMENTATION** act,
 22 **2010 PA 259, MCL 54.291 TO 54.305**, shall be used by the ~~department~~
 23 ~~of energy, labor, and economic growth~~**COMMISSION** only for that
 24 purpose.

25 Sec. 15. (1) A recipient of a grant made pursuant to section
 26 12(1)(a), (b), or (d) **OR A COUNTY OR COUNTIES THAT RETAIN RECORDING**
 27 **FEES UNDER SECTION 2567A(3) (B) OF THE REVISED JUDICATURE ACT OF**

1 1961, 1961 PA 236, MCL 600.2567A, shall obtain authorization from
2 the commission before implementing a change that significantly
3 alters the approved county plan or multicounty plan.

4 (2) The commission may revoke a grant made by it pursuant to
5 this act or withhold payment if the recipient of the grant fails to
6 comply with the terms and conditions of the grant, or with
7 requirements of this act or the rules promulgated pursuant to this
8 act.

9 (3) The commission may withhold a grant until the commission
10 determines that the recipient is able to proceed with the
11 implementation of the county plan or multicounty plan.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 1299

14 of the 96th Legislature is enacted into law.