

STATE SURVEY AND REMONUMENTATION ACT
Act 345 of 1990

AN ACT to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of an executive director; to provide for a contract for the services of a state geodetic advisor; to create the state survey and remonumentation fund and to provide for its use; to coordinate and implement the monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems; and to provide for certain powers and duties of certain state and local officers and agencies.

History: 1990, Act 345, Eff. Jan. 1, 1991.

Compiler's note: For transfer of powers and duties of the state survey and remonumentation commission, with the exception of powers and duties of the executive director, from the department of commerce to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of the powers and duties of the executive director of the survey and remonumentation commission to the director of the department of consumer and industry services, and the abolishment of the position, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

54.261 Short title.

Sec. 1. This act shall be known and may be cited as the "state survey and remonumentation act".

History: 1990, Act 345, Eff. Jan. 1, 1991.

Compiler's note: For transfer of powers and duties of the state survey and remonumentation commission, with the exception of powers and duties of the executive director, from the department of commerce to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of the powers and duties of the executive director of the survey and remonumentation commission to the director of the department of consumer and industry services, and the abolishment of the position, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

54.262 Definitions.

Sec. 2. As used in this act:

- (a) "Commission" means the director of the department of energy, labor, and economic growth.
- (b) "County plan" means a county monumentation and remonumentation plan under section 8.
- (c) "Executive director" means the person appointed to that office under section 7.
- (d) "Fund" means the state survey and remonumentation fund created in section 11.
- (e) "Property controlling corner" for a property means a public land survey corner or any property corner that does not lie on a property line of the property in question but that controls the location of 1 or more of the property corners of the property in question.

History: 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998;—Am. 2010, Act 260, Eff. Dec. 22, 2010.

54.263 State survey and remonumentation commission; creation; membership; terms; vacancy; compensation; expenses.

Sec. 3. (1) The state survey and remonumentation commission is created in the department of commerce.

(2) The commission shall consist of 5 members, who shall be appointed by the governor, with the advice and consent of the senate, as follows:

(a) One member shall represent the general public.

(b) The remaining 4 members shall be land surveyors licensed pursuant to article 20 of the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws, 1 of whom also shall be serving as a county surveyor for a county in this state. The 4 members appointed under this subdivision shall be residents of the following areas of this state:

(i) One shall be a resident of the Upper Peninsula of Michigan, 1 shall be a resident of the area of the Lower Peninsula of Michigan that is north of the survey township line lying between survey township 16 north and survey township 17 north, and 1 shall be a resident of the area of the Lower Peninsula of Michigan that is south of the survey township line lying between survey township 16 north and survey township 17 north.

(ii) One shall be a member at large, and shall be a resident of any area of this state.

(3) Of the 5 members first appointed to the commission, 1 shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, and 2 for terms of 4 years each. At the expiration of the term of each member, the governor shall appoint a successor, who shall hold office for a term of 4 years and until his or her successor has been appointed and qualified. A vacancy in the office of a member of the commission shall be

filled by appointment by the governor, with the advice and consent of the senate, for the unexpired term.

(4) Members of the commission shall serve without compensation, but shall be reimbursed for actual and necessary per diem expenses in accordance with standards established annually by the legislature for similar boards or commissions that are reimbursed from the general fund.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.264 Commission; chairperson; meetings.

Sec. 4. At the commission's first meeting, 1 member of the commission shall be selected by a majority of the commission members to be chairperson. The commission shall meet at least 4 times each year, at a time and place agreed upon by the commission. The chairperson may call special meetings at a time and place determined by the chairperson.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.265 Conduct of business at public meetings; public notice; writings.

Sec. 5. (1) The business that the commission performs shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.266 Expediting county's or counties' plan; payment or reimbursement of costs.

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

(a) Coordinate the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state, including, but not necessarily limited to, all pertinent field notes, plats, and documents; and coordinate the restoration, establishment, maintenance, and preservation of other boundary records otherwise established by law, or considered by the commission to be of importance.

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

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

(d) Coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries, and to assist in proper recording of monuments or land boundaries by county surveyors or registers of deeds.

(e) Foster, encourage, and promote the establishment of remonumentation programs in every county in this state.

(f) Establish and maintain a data base of information on approved monumented horizontal and vertical control in this state.

(g) On or before October 1, 1993, and biennially after October 1, 1993, submit a report to the legislature. The report shall include, but not be limited to, all of the following:

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

(ii) An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout this state.

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

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

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

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

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

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

(2) If a county or 2 or more counties elect to expedite the county's or counties' plan as provided in section 8(5), the commission shall enter into a contract described in section 8(5) to pay or reimburse the costs of expediting the plan. The amount expended or borrowed for expediting the county's or counties' plan shall be paid from the fund as provided in section 12(2) and (4).

History: 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998.

54.267 Executive director.

Sec. 7. (1) The commission shall appoint an executive director. The executive director, under the direction of the commission, shall carry out the routine duties of the commission, as delegated to the executive director by the commission. The executive director shall retain employees, including at least 1 licensed surveyor and adequate secretarial staff, as the executive director considers necessary. The employees shall be classified civil servants.

(2) The commission shall enter into a contract with a geodetic advisor qualified to perform the duties described in section 6(c).

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.268 County monumentation and remonumentation plans.

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

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

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

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

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

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

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

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

(4) If a county fails to establish and submit a plan that is approved by the commission within the time required under subsection (1), the commission shall initiate and contract for the implementation of a county plan in that county pursuant to section 10.

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

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

(7) Upon the establishment and approval by the commission of a county plan, a county or 2 or more counties seeking to expedite their county plan may by resolution of the county board of commissioners, and without the vote of its electors, issue bonds payable primarily from the money received or to be received under the contract provided for in subsection (5). These bonds may be secured by a limited tax full faith and credit pledge of the county or counties. The bonds shall be payable in annual installments, and unless otherwise determined by the commission, the annual installments are not to exceed the length of the contract that the county or counties entered into with the commission under subsection (5). The issuance of bonds under this section shall be subject to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998;—Am. 2002, Act 489, Imd. Eff. June 28, 2002.

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54.269 County surveyor as county representative for surveying projects.

Sec. 9. The county surveyor in each county in this state shall be the county representative for all surveying projects approved by or initiated through the commission. In a county that does not have a county surveyor, a licensed surveyor shall be appointed and shall perform the duties described in this section.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.270 Conducting monumentation or remonumentation pursuant to negotiated contracts; cost.

Sec. 10. (1) Any monumentation or remonumentation conducted by the commission shall be pursuant to negotiated contracts. The commission shall prepare specifications for each contract negotiated by the commission, and shall monitor the field work and notes of all work done under each contract to ensure compliance with those specifications.

(2) The commission shall pay the cost of any contracts under this section from the fund.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.271 State survey and remonumentation fund generally.

Sec. 11. (1) The state survey and remonumentation fund is created in the state treasury as a separate fund. The fund shall be administered by the commission.

(2) Money deposited in the fund, and all interest and earnings generated by the fund, except as otherwise provided in this section, shall not lapse at the end of a fiscal year, but shall remain in the fund to be expended as provided in this act. For the fiscal year ending September 30, 2006 only, \$15,000,000.00 of the unreserved balance in the fund shall be deposited in the state general fund.

(3) The fund may accept funds received as gifts or donations, or funds received from individuals or corporations to be used for purposes of this act.

(4) The commission may direct the department of treasury to establish restricted subaccounts within the fund as necessary to administer the fund.

(5) In addition to any other appropriation, it is the intent of the legislature that this state appropriate an amount from the general fund to the fund equal to the difference between the amount deposited into the fund in the fiscal year and the following amounts for the following fiscal years:

(a) \$10,134,000.00 in the 2005-2006 fiscal year.

(b) \$11,134,000.00 in the 2006-2007 and the 2007-2008 fiscal years.

(6) Subsection (5) only applies if the amount deposited into the fund is less than \$10,134,000.00 in the 2005-2006 fiscal year and \$11,134,000.00 in the 2006-2007 and the 2007-2008 fiscal years.

History: 1990, Act 345, Eff. Jan. 1, 1991;—Am. 2006, Act 76, Imd. Eff. Mar. 24, 2006.

54.272 State survey and remonumentation fund; use of money; provisions applicable to deposited funds; payment to county or counties; limitation.

Sec. 12. (1) Money in the fund shall be used by the commission for the following purposes:

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

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

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

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

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

(f) Other activities necessary, incidental, or appropriate to implement this act.

(2) In addition to the purposes described in subsection (1), money in the fund shall be used to pay the costs of expediting a plan or to reimburse the cost described in section 8(6) and (7), for a county or 2 or more counties that have elected to expend or borrow funds to expedite the implementation of the county's or counties' plan.

(3) Of the money collected and remitted to the state treasurer for deposit in the fund pursuant to section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, both of the following shall apply:

(a) An annual grant to a county pursuant to subsection (1)(a) or to 2 or more counties pursuant to subsection (1)(b) shall be in an amount that is not less than 40% of the amount of money collected in that

county or those counties, as applicable, under section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year immediately preceding the year in which the grant is made.

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

(4) If the commission contracts with a county or 2 or more counties that elect to expend or borrow funds to expedite the implementation of the county's or counties' plan under section 6(2), the commission shall annually pay to that county or counties in lieu of any grant or payments under subsection (3) an amount that is not less than 40% of the amount of money collected in that county or counties under section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year and will be paid in annual installments until the contract is paid in full.

(5) In addition to the purposes described in subsections (1) and (2), any amount of money not greater than \$500,000.00 that is appropriated by the legislature to pay the costs of the monumentation of the Michigan-Indiana state boundary line pursuant to the Michigan and Indiana state line monument act shall be used by the department of energy, labor, and economic growth only for that purpose.

History: 1990, Act 345, Eff. Jan. 1, 1991;—Am. 1998, Act 5, Imd. Eff. Feb. 6, 1998;—Am. 2002, Act 489, Imd. Eff. June 28, 2002;—Am. 2010, Act 260, Eff. Dec. 22, 2010.

54.273 Application for annual grant; form.

Sec. 13. An application for an annual grant authorized pursuant to this act shall be made on a form prescribed and furnished by the commission. The commission may require the applicant to provide any information reasonably necessary to allow the commission to make a determination required by this act.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.274 Grant; conditions.

Sec. 14. (1) The commission shall not make a grant pursuant to section 12(1)(a) or (b) unless all of the following conditions are met:

(a) The applicant files an application for the grant on or before December 31 of the calendar year immediately preceding the year in which the grant is made.

(b) The applicant has established a county plan or a multicounty plan that has been approved by the commission on or before December 31 of the calendar year immediately preceding the year in which the grant is made.

(c) The applicant demonstrates to the commission the capability to carry out the county plan or multicounty plan.

(d) The applicant demonstrates to the commission that it has not completed the monumentation or remonumentation of the county, or of the several counties in a multicounty plan.

(2) The commission shall not make a grant pursuant to section 12(1)(d) unless the applicant demonstrates to the commission that it has completed the monumentation or remonumentation of the county, or of the several counties in a multicounty plan.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.275 Grant recipient to obtain authorization for significant change to plan; revocation or withholding of grant.

Sec. 15. (1) A recipient of a grant made pursuant to section 12(1)(a), (b), or (d) shall obtain authorization from the commission before implementing a change that significantly alters the approved county plan or multicounty plan.

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

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

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.276 Copies of commission records.

Sec. 16. (1) The commission, upon request, shall provide copies or certified copies of records in its possession to the public, other state agencies or officers, or local governmental agencies. The commission

may charge a reasonable fee for providing the records.

(2) A certified copy of a record provided by the commission is admissible in court as evidence, without further identification, if the substance of the record is properly admissible in the proceeding.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.277 Rules.

Sec. 17. The department of commerce shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement this act. In doing so, the department shall consider recommendations provided to them by the commission.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.278 Effective date.

Sec. 18. This act shall take effect January 1, 1991.

History: 1990, Act 345, Eff. Jan. 1, 1991.

54.279 Conditional effective date.

Sec. 19. This act shall not take effect unless Senate Bill No. 381 of the 85th Legislature is enacted into law.

History: 1990, Act 345, Eff. Jan. 1, 1991.

Compiler's note: Senate Bill No. 381, referred to in this section, was filed with the Secretary of State December 21, 1990, and became P.A. 1990, No. 346, Eff. Jan. 1, 1991.

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