

**SUBSTITUTE FOR
SENATE BILL NO. 472**

A bill to amend 1990 PA 345, entitled
"State survey and remonumentation act,"
by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, and 17 (MCL 54.262, 54.263, 54.264, 54.266, 54.267,
54.268, 54.269, 54.270, 54.271, 54.272, 54.273, 54.274, 54.275,
54.276, and 54.277), sections 2 and 12 as amended by 2010 PA 260,
section 6 as amended by 1998 PA 5, section 8 as amended by 2002 PA
489, and section 11 as amended by 2006 PA 76, and by adding
sections 9a, 9b, and 17a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to create a state survey and remonumentation commission

3

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; AND TO REQUIRE THE PROMULGATION OF RULES.~~

Sec. 2. As used in this act:

(a) "Commission" means the ~~director of the department of~~
~~energy, labor, and economic growth.~~ **STATE SURVEY AND REMONUMENTATION**
COMMISSION CREATED IN SECTION 3.

(b) "County plan" means a county monumentation and
~~remonumentation plan~~ **AND PERPETUAL MONUMENT MAINTENANCE PLAN**
ESTABLISHED under section 8.

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

(C) "COUNTY REPRESENTATIVE" MEANS THE INDIVIDUAL OBLIGATED TO
PERFORM THE DUTIES OF COUNTY REPRESENTATIVE UNDER SECTION 9.

(D) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS.

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

(F) "MONUMENTATION" MEANS ALL LAND SURVEYING ACTIVITIES
PERFORMED BY A SURVEYOR TO MONUMENT A PROTRACTED PUBLIC LAND SURVEY
CORNER UNDER THIS ACT AND IN ACCORDANCE WITH THE LAWS OF THIS
STATE.

(G) "ORIGINAL PUBLIC LAND SURVEY CORNER" MEANS A CORNER ESTABLISHED AND MONUMENTED PURSUANT TO ORDERS AND INSTRUCTIONS ISSUED BY THE UNITED STATES GOVERNMENT FOR THE PURPOSES OF DELINEATING UNITED STATES PUBLIC LANDS FROM PRIVATE LANDS OR SUBDIVIDING PUBLIC LANDS FOR CONVEYANCE.

(H) ~~(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.~~ BOTH OF THE FOLLOWING:

(i) A POSITION MISIDENTIFIED AS AND USED AS AN ORIGINAL PUBLIC LAND SURVEY CORNER OR AS A PROTRACTED PUBLIC LAND SURVEY CORNER THAT SERVES TO CONTROL PROPERTY LINES.

(ii) ANY OTHER CORNER APPROVED BY THE DEPARTMENT, ACTING IN CONSULTATION WITH THE COMMISSION.

(I) "PROTRACTED PUBLIC LAND SURVEY CORNER" MEANS BOTH OF THE FOLLOWING:

(i) A CLOSING QUARTER SECTION POSITION ALONG A TOWNSHIP OR RANGE LINE OR A CENTER QUARTER SECTION POSITION THAT WAS NOT ACTUALLY MONUMENTED ON THE GROUND IN THE FIELD NOTES OF THE ORIGINAL UNITED STATES GOVERNMENT SURVEY, BUT THAT SERVES TO COMPLETE THE NOMINAL HALF-MILE GRID OF GOVERNMENT CORNERS.

(ii) A MONUMENTED POSITION THAT IS NOT AN ORIGINAL PUBLIC LAND SURVEY CORNER, LYING ON A SECTION LINE OR QUARTER LINE NEAR A BODY OF WATER, THAT SERVES TO DEFINE THE SECTION LINE OR QUARTER LINE IN LIEU OF A SUBMERGED GOVERNMENT POSITION OR AN OMITTED MEANDER POSITION.

(J) "REMONUMENTATION" MEANS ALL LAND SURVEYING ACTIVITIES PERFORMED BY A SURVEYOR TO PERPETUATE A PREVIOUSLY MONUMENTED ORIGINAL PUBLIC LAND SURVEY CORNER, PROTRACTED PUBLIC LAND SURVEY CORNER, OR PROPERTY CONTROLLING CORNER AS PROVIDED IN THIS ACT.

(K) "SURVEYOR" MEANS A PROFESSIONAL SURVEYOR WHO IS LICENSED TO PRACTICE PROFESSIONAL SURVEYING UNDER ARTICLE 20 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014.

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

(2) The commission shall consist of ~~5-7~~ members. ~~, who shall be appointed by the~~ **THE** governor **SHALL APPOINT THE MEMBERS**, with the advice and consent of the senate, as follows:

(a) ~~One member~~ **TWO MEMBERS** shall **BE APPOINTED TO** represent the general public.

(b) **ONE MEMBER MUST BE A GRANT ADMINISTRATOR APPOINTED UNDER SECTION 9A.**

(c) ~~(b)~~ The remaining 4 members ~~shall~~ **MUST** 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 **MUST** also ~~shall~~ be serving as a county surveyor for a county in this state. **REPRESENTATIVE.**

The 4 members appointed under this subdivision ~~shall~~ **MUST** be residents of the following areas of this state:

(i) One ~~shall~~ **MUST** be a resident of the Upper Peninsula, ~~of Michigan,~~ 1 ~~shall~~ **MUST** 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

1 north, and 1 ~~shall~~ **MUST** be a resident of the area of the Lower
 2 Peninsula ~~of Michigan~~ that is south of the survey township line
 3 lying between survey township 16 north and survey township 17
 4 north.

5 (ii) One ~~shall~~ **MUST** be a member at large, and ~~shall~~ **MAY** be a
 6 resident of any area of this state.

7 (3) ~~Of the 5 members first appointed to the commission, 1~~
 8 ~~shall be appointed for a term of 1 year, 1 for a term of 2 years, 1~~
 9 ~~for a term of 3 years, and 2 for terms of 4 years each. At the~~
 10 expiration of the term of ~~each~~ **A** member, the governor shall appoint
 11 a successor, who shall hold office for a term of 4 years and until
 12 his or her successor has been appointed and qualified. ~~A-IF THERE~~
 13 **IS A** vacancy in the office of a member of the commission, **THE**
 14 **GOVERNOR** shall ~~be filled by appointment by the governor,~~ **APPOINT A**
 15 **SUCCESSOR**, with the advice and consent of the senate, for the
 16 unexpired term.

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

22 Sec. 4. At the commission's first meeting, 1 member of the
 23 commission shall be selected by a majority of the commission
 24 members to be chairperson. The commission shall meet at least ~~4-2~~
 25 times each year, at a time and place agreed upon by the commission.
 26 The chairperson may call special meetings at a time and place
 27 determined by the chairperson.

1 Sec. 6. (1) The ~~commission~~**DEPARTMENT** shall do all of the
2 following:

3 (a) Coordinate the restoration, maintenance, and the
4 preservation of the land survey records **AND MONUMENTS** of ~~vertical~~
5 ~~and horizontal monuments,~~ the public land survey system, ~~and the~~
6 ~~property controlling corners established by the United States~~
7 ~~public land survey and by the national geodetic survey within~~**IN**
8 this state, including, but not necessarily limited to, all
9 pertinent field notes, plats, and documents, ~~and coordinate the~~
10 ~~restoration, establishment, maintenance, and preservation of other~~
11 ~~boundary records otherwise established by law, or considered by the~~
12 ~~commission to be of importance.~~**AND MONUMENTS.**

13 (b) Establish ~~and~~**POLICY TO** maintain ~~and~~ provide safe storage
14 ~~facilities for a comprehensive system of recordation and~~
15 ~~dissemination of land information records~~ **REQUIRED TO BE FILED WITH**
16 **THE DEPARTMENT UNDER THIS ACT.**

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

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

26 **(C) COORDINATE MEMORANDA OF UNDERSTANDING WITH OTHER STATE,**
27 **FEDERAL, AND LOCAL AGENCIES TO PROMOTE THE ACTIVITIES NECESSARY,**

1 **INCIDENTAL, OR APPROPRIATE TO PROMOTION OF THIS ACT.**

2 (D) ~~(e) Foster, encourage, and promote the establishment of~~
 3 ~~remonumentation programs in every~~ **COUNTY PLANS FOR EACH** county in
 4 this state **AND, AFTER SUBMISSION OF COUNTY PLANS, REVIEW THE PLANS**
 5 **FOR APPROVAL.**

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

8 (E) **COORDINATE AND ADMINISTER A GRANT PROGRAM FOR GRANTS TO**
 9 **COUNTIES TO IMPLEMENT THIS ACT.**

10 (F) ~~(g) On or before~~ **BY** October 1 ~~, 1993, and biennially after~~
 11 ~~October 1, 1993,~~ **IN EACH ODD-NUMBERED YEAR,** submit a report to the
 12 legislature **AND EACH COUNTY BOARD OF COMMISSIONERS.** The report
 13 ~~shall~~ **MUST** include, but not be limited to, all of the following:

14 (i) A summary of the ~~commission's~~ **DEPARTMENT'S** activities
 15 regarding administration of this act.

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

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

21 (iv) An assessment of how much money is necessary to carry out
 22 ~~monumentation or remonumentation of the entire~~ **THE COUNTY PLANS IN**
 23 **THIS** state.

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

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

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

4 ~~—— (i) Establish and administer a grant program to counties to~~
5 ~~implement this act.~~

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

13 (3) **IN PERFORMING ITS DUTIES UNDER THIS ACT, IF THE DEPARTMENT**
14 **IS REQUIRED TO INTERACT IN ANY WAY WITH THE COMMISSION AND IF THE**
15 **INITIAL MEMBERS OF THE COMMISSION HAVE NOT BEEN APPOINTED AND THEIR**
16 **APPOINTMENT CONSENTED TO BY THE SENATE UNDER SECTION 3 AS AMENDED**
17 **BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT**
18 **MAY PROCEED WITH ITS DUTIES UNDER THIS ACT WITHOUT THE REQUIRED**
19 **INTERACTION UNTIL THE INITIAL MEMBERS ARE APPOINTED AND THEIR**
20 **APPOINTMENT CONSENTED TO.**

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

1 ~~civil servants.~~

2 ~~—— (2) The commission shall enter into a contract with a geodetic~~
 3 ~~advisor qualified to perform the duties described in section~~

4 ~~6(c).~~ **THE EMPLOYEE IN DIRECT CHARGE OF THE STATE SURVEY AND**
 5 **REMONUMENTATION SECTION IN THE DEPARTMENT THAT PERFORMS SERVICES**
 6 **FOR THE DIRECTOR OF THE DEPARTMENT UNDER THIS ACT MUST BE A**
 7 **SURVEYOR.**

8 Sec. 8. (1) Each county shall establish a county monumentation
 9 and remonumentation plan **AND PERPETUAL MONUMENT MAINTENANCE PLAN.**

10 ~~Not later than 1 year after January 1, 1991, THE DEPARTMENT, IN~~
 11 **CONSULTATION WITH** the commission, shall create and distribute a
 12 model county plan that may be adopted by a county with any changes
 13 appropriate for that county. ~~Not later than January 1, 1994, each~~
 14 ~~county shall have submitted a county plan that is approved by the~~
 15 ~~commission.~~ **BY THE SECOND MARCH 1 AFTER THE DEPARTMENT PROMULGATES**
 16 **RULES UNDER SECTION 17(3), EACH COUNTY SHALL SUBMIT TO THE**
 17 **DEPARTMENT FOR APPROVAL IN CONSULTATION WITH THE COMMISSION A**
 18 **COUNTY PLAN OR, IF THE COUNTY HAS PREVIOUSLY SUBMITTED A COUNTY**
 19 **PLAN, A REVISED COUNTY PLAN THAT COMPLIES WITH THE AMENDMENTS TO**
 20 **THIS ACT ENACTED BY THE AMENDATORY ACT THAT ADDED SECTION 9A AND**
 21 **ANY RULES PROMULGATED AFTER THE EFFECTIVE DATE OF THAT AMENDATORY**
 22 **ACT AND BEFORE THE DATE THAT THE COUNTY PLAN OR REVISED COUNTY PLAN**
 23 **IS TO BE SUBMITTED.**

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

25 ~~—— (a) The monumentation or remonumentation of the entire county,~~
 26 ~~within 20 years, under the guidelines of the manual of instructions~~
 27 ~~for the survey of the public lands of the United States, 1973,~~

1 ~~prepared by the bureau of land management of the department of~~
2 ~~interior, technical bulletin 6, or subsequent editions.~~

3 (A) A MONUMENTATION AND REMONUMENTATION PLAN THAT PROVIDES FOR
4 THE REMONUMENTATION OF ALL OF THE ORIGINAL PUBLIC LAND SURVEY
5 CORNERS, AND ANY ASSOCIATED PROPERTY CONTROLLING CORNERS, AND THE
6 MONUMENTATION OR REMONUMENTATION OF ALL OF THE PROTRACTED PUBLIC
7 LAND SURVEY CORNERS, AND ANY ASSOCIATED PROPERTY CONTROLLING
8 CORNERS, IDENTIFIED IN THE COUNTY PLAN. THE MONUMENTATION OR
9 REMONUMENTATION OF THE COUNTY SHALL CONSIST OF:

10 (i) THE FILING OF A LAND CORNER RECORDATION CERTIFICATE
11 PURSUANT TO THE REQUIREMENTS OF THE CORNER RECORDATION ACT, 1970 PA
12 74, MCL 54.201 TO 54.210D, FOR EACH ORIGINAL PUBLIC LAND SURVEY
13 CORNER AND PROTRACTED PUBLIC LAND SURVEY CORNER IN THE COUNTY.

14 (ii) THE INCLUSION IN A CERTIFICATE FILED UNDER SUBPARAGRAPH (i)
15 OF ANY PROPERTY CONTROLLING CORNER ASSOCIATED WITH THE ORIGINAL
16 PUBLIC LAND SURVEY CORNER OR PROTRACTED PUBLIC LAND SURVEY CORNER
17 THAT IS THE SUBJECT OF THE CERTIFICATE.

18 (iii) THE FILING OF GEODETIC COORDINATES FOR EACH ORIGINAL
19 PUBLIC LAND SURVEY CORNER AND PROTRACTED PUBLIC LAND SURVEY CORNER
20 IN THE COUNTY.

21 (b) The ~~provision-FILING~~ of copies of all ~~survey monumentation~~
22 ~~information-RECORDED LAND CORNER RECORDATION CERTIFICATES~~ produced
23 ~~by-PURSUANT TO~~ the county plan ~~to the county surveyor and the~~
24 ~~commission-WITH THE DEPARTMENT.~~

25 ~~—(c) The filing with the county surveyor and the commission of~~
26 ~~copies of all monumentation or remonumentation documents required~~
27 ~~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.~~

(C) THE EXCLUSION OR ADDITION BY THE COUNTY OF ORIGINAL PUBLIC LAND SURVEY CORNERS OR PROTRACTED PUBLIC LAND SURVEY CORNERS, WITH THE APPROVAL OF THE DEPARTMENT, ACTING IN CONSULTATION WITH THE COMMISSION.

(d) A perpetual monument maintenance plan that provides for all ~~corners to be checked, and if necessary remonumented, at least once every 20 years.~~ ORIGINAL PUBLIC LAND SURVEY CORNERS OR PROTRACTED PUBLIC LAND SURVEY CORNERS INCLUDED IN THE COUNTY PLAN, AND ASSOCIATED GEODETIC COORDINATES, TO BE MAINTAINED BY REQUIRING THE FILING OF A LAND CORNER RECORDATION CERTIFICATE AS REQUIRED BY THE CORNER RECORDATION ACT, 1970 PA 74, MCL 54.201 TO 54.210D, AS NECESSARY.

(E) A PEER REVIEW GROUP AS DESCRIBED IN SECTION 9B.

(F) ~~(e)~~ Any other provisions reasonably required by the ~~commission~~ DEPARTMENT 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.~~

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

(4) ~~(5)~~ Upon SUBJECT TO SUBSECTION (5), AFTER the establishment and approval by the ~~commission~~ DEPARTMENT of a county

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

9 (5) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
 10 SECTION 9A, A COUNTY SHALL NOT EXPEDITE ITS COUNTY PLAN OR EXPEND
 11 OR BORROW MONEY TO EXPEDITE ITS COUNTY PLAN. A COUNTY THAT, BEFORE
 12 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 9A,
 13 EXPEDITED ITS COUNTY PLAN OR EXPENDED OR BORROWED MONEY TO EXPEDITE
 14 ITS COUNTY PLAN SHALL EITHER HAVE ON FILE WITH THE DEPARTMENT A
 15 CONTRACT ENTERED INTO UNDER SUBSECTION (4) OR EXECUTE A CONTRACT
 16 UNDER SUBSECTION (4) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
 17 AMENDATORY ACT THAT ADDED SECTION 9A.

18 (6) A county ~~or 2 or more counties~~ that expended or borrowed
 19 money to expedite ~~their~~ **ITS** county plan **IN ACCORDANCE WITH THIS**
 20 **SECTION** after January 1, 1991 may recapture costs expended or
 21 borrowed and used to expedite that plan. ~~, which shall be paid out~~
 22 ~~of the fund as provided in section 12(2) and (4).~~ The ~~commission~~
 23 **DEPARTMENT** shall pay those costs to the county **FROM THE FUND AS**
 24 **PROVIDED IN SECTION 12(2)** over a period of not less than 10 years.

25 ~~—— (7) Upon the establishment and approval by the commission of a~~
 26 ~~county plan, a county or 2 or more counties seeking to expedite~~
 27 ~~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.~~

(7) A COUNTY PLAN MAY PROVIDE FOR THE SUPPORT BY A COUNTY PROGRAM OF THE EXTENSION, DENSIFICATION, UPGRADE, AND MAINTENANCE OF ACTIVE AND PASSIVE GEODETIC CONTROL STATIONS.

~~Sec. 9. The county surveyor in each county in this state shall be the~~ **PERFORM THE DUTIES OF** county representative for all surveying projects approved ~~by or initiated through the commission.~~ **IN UNDER THIS ACT. IF** a county ~~that~~ does not have a county surveyor, **THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT** a licensed **PROFESSIONAL** surveyor ~~shall be appointed and shall to~~ perform the duties described in this section.

SEC. 9A. A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A GRANT ADMINISTRATOR TO BE RESPONSIBLE FOR AND OVERSEE THE COUNTY'S OBLIGATIONS AND MONEY ASSOCIATED WITH THIS ACT.

SEC. 9B. A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A COUNTY PEER REVIEW GROUP TO ACT AS A PANEL OF SURVEYORS TO REVIEW AND PROVIDE ADVICE ON ORIGINAL PUBLIC LAND SURVEY CORNERS OR

1 PROTRACTED PUBLIC LAND SURVEY CORNERS PRESENTED BY SURVEYORS BEFORE
2 THE COUNTY ACCEPTS THE ORIGINAL PUBLIC LAND SURVEY CORNERS OR
3 PROTRACTED PUBLIC LAND SURVEY CORNERS FOR FILING UNDER ITS COUNTY
4 PLAN.

5 Sec. 10. (1) Any monumentation or remonumentation conducted by
6 ~~the commission~~ **UNDER SECTION 8(3)** shall be pursuant to ~~CONDUCTED~~
7 **UNDER A** negotiated ~~contracts.~~ **CONTRACT.** The ~~commission~~ **DEPARTMENT**
8 shall prepare specifications for each contract negotiated by the
9 ~~commission,~~ **DEPARTMENT** and shall monitor the field work and notes
10 of ~~all~~ work done under each contract to ensure compliance with
11 those specifications.

12 (2) The ~~commission~~ **DEPARTMENT** shall pay the cost of any
13 contracts under this section from the fund.

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

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

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

27 (4) The ~~commission~~ **DEPARTMENT** may direct the department of

1 treasury to establish restricted subaccounts within the fund as
2 necessary to administer the fund.

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

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

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

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

14 Sec. 12. (1) Money in the fund shall be used by the ~~commission~~
15 **DEPARTMENT** for the following purposes:

16 (a) Annual grants to the various counties to implement their
17 ~~county~~ **MONUMENTATION AND REMONUMENTATION** plans ~~, excluding the~~
18 ~~perpetual monument maintenance plan described in section~~
19 ~~8(2)(d).~~ **8(2)(A).**

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

23 **(B)** ~~(e)~~ The implementation of county plans that are initiated
24 and contracted for by the ~~commission pursuant to~~ **DEPARTMENT UNDER**
25 ~~section 8(4).~~ **8(3).**

26 **(C)** ~~(d)~~ An annual grant to each county that has a county plan
27 ~~or to 2 or more~~ **ANNUAL GRANTS TO** counties that have a multicounty

1 ~~plan to implement the~~ **THEIR** perpetual monument maintenance plan
 2 described in section 8(2)(d). ~~The commission shall make not less~~
 3 ~~than 5% of the total amount of the fund available for grants under~~
 4 ~~this subdivision.~~

5 (D) ~~(e)~~ The payment of contracts that are entered into by the
 6 ~~commission~~ **DEPARTMENT** under section 10.

7 (E) ~~(f)~~ Other activities necessary, incidental, or appropriate
 8 to implement this act.

9 (2) In addition to the purposes described in subsection (1),
 10 money in the fund shall be used to pay the costs of expediting a
 11 plan or to reimburse the cost described in section ~~8(6) and (7),~~
 12 **8(4)**, for a county ~~or 2 or more counties that have~~ **HAS** elected to
 13 expend or borrow ~~funds~~ **MONEY** to expedite the implementation of the
 14 county's ~~or counties'~~ plan.

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

19 (a) An annual grant to a county ~~pursuant to~~ **UNDER** subsection
 20 (1)(a) ~~or to 2 or more counties pursuant to subsection (1)(b) shall~~
 21 **MUST** be in an amount that is not less than 40% of the amount of
 22 money collected in that county ~~or those counties, as applicable,~~
 23 under section 2567a of the revised judicature act of 1961, 1961 PA
 24 236, MCL 600.2567a, during the ~~calendar~~ **STATE FISCAL** year
 25 ~~immediately preceding~~ **THAT BEGAN 2 YEARS BEFORE the BEGINNING OF**
 26 **THE STATE FISCAL** year in which the grant is made.

27 (b) If the ~~commission~~ **DEPARTMENT** initiates and contracts for

1 the implementation of a county plan for a county pursuant to ~~UNDER~~
 2 section ~~8(4), 8(3)~~, the ~~commission~~ **DEPARTMENT** shall annually spend
 3 an amount that is not less than 40% of the amount of money
 4 collected in that county under section 2567a of the revised
 5 judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the
 6 ~~calendar~~ **STATE FISCAL** year ~~immediately preceding~~ **THAT BEGAN 2 YEARS**
 7 **BEFORE** the **BEGINNING OF THE STATE FISCAL** year in which the
 8 expenditure is made, to implement that county plan.

9 ~~—— (4) If the commission contracts with a county or 2 or more~~
 10 ~~counties that elect to expend or borrow funds to expedite the~~
 11 ~~implementation of the county's or counties' plan under section~~
 12 ~~6(2), the commission shall annually pay to that county or counties~~
 13 ~~in lieu of any grant or payments under subsection (3) an amount~~
 14 ~~that is not less than 40% of the amount of money collected in that~~
 15 ~~county or counties under section 2567a of the revised judicature~~
 16 ~~act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year~~
 17 ~~and will be paid in annual installments until the contract is paid~~
 18 ~~in full.~~

19 (C) AN ANNUAL GRANT TO A COUNTY UNDER SUBSECTION (1) (C) MUST
 20 BE IN AN AMOUNT THAT IS NOT LESS THAN 20% OF THE AMOUNT OF MONEY
 21 COLLECTED IN THAT COUNTY UNDER SECTION 2567A OF THE REVISED
 22 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2567A, DURING THE
 23 STATE FISCAL YEAR THAT BEGAN 2 YEARS BEFORE THE BEGINNING OF THE
 24 STATE FISCAL YEAR IN WHICH THE GRANT IS MADE.

25 (D) IF THE DEPARTMENT INITIATES AND CONTRACTS FOR THE
 26 IMPLEMENTATION OF A COUNTY PLAN FOR A COUNTY UNDER SECTION 8(3),
 27 THE DEPARTMENT SHALL ANNUALLY SPEND AN AMOUNT THAT IS NOT LESS THAN

1 20% OF THE AMOUNT OF MONEY COLLECTED IN THAT COUNTY UNDER SECTION
 2 2567A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
 3 600.2567A, DURING THE STATE FISCAL YEAR THAT BEGAN 2 YEARS BEFORE
 4 THE BEGINNING OF THE STATE FISCAL YEAR IN WHICH THE EXPENDITURE IS
 5 MADE, FOR PURPOSES DESCRIBED IN SECTION 8(2)(D).

6 (4) ~~(5)~~—In addition to the purposes described in subsections
 7 (1) and (2), any amount of money not greater than \$500,000.00 that
 8 is appropriated by the legislature to pay the costs of the
 9 monumentation of the Michigan-Indiana state boundary line pursuant
 10 to the Michigan and Indiana state line ~~monument~~ **MONUMENTATION** act,
 11 2010 PA 259, MCL 54.291 TO 54.305, shall be used by the department
 12 ~~of energy, labor, and economic growth~~ only for that purpose.

13 Sec. 13. An application for an annual grant authorized
 14 ~~pursuant to~~ **UNDER** this act ~~shall~~ **MUST** be made on a form prescribed
 15 and furnished by the ~~commission~~ **DEPARTMENT**. The ~~commission~~
 16 **DEPARTMENT** may require the applicant to provide any information
 17 reasonably necessary to allow the ~~commission~~ **DEPARTMENT** to make a
 18 determination required by this act.

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

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

25 ~~— (b) The applicant has established a county plan or a~~
 26 ~~multicounty plan that has been approved by the commission on or~~
 27 ~~before December 31 of the calendar year immediately preceding the~~

1 ~~year in which the grant is made.~~

2 (B) ~~(e)~~ The applicant demonstrates to the ~~commission~~
3 **DEPARTMENT** the capability to carry out the county plan. ~~or~~
4 ~~multicounty plan.~~

5 (C) ~~(d)~~ The applicant demonstrates to the ~~commission~~
6 **DEPARTMENT** that it has not completed ~~the ITS~~ monumentation ~~or AND~~
7 ~~remonumentation of the county, or of the several counties in a~~
8 ~~multicounty plan~~ **DESCRIBED IN SECTION 8(2)(A) .**

9 (2) The ~~commission~~ **DEPARTMENT** shall ~~not~~ make a grant pursuant
10 ~~to UNDER~~ section 12(1) ~~(d) unless 12(1)(C) IF~~ the applicant
11 demonstrates to the ~~commission~~ **DEPARTMENT** that it has completed the
12 **ITS** monumentation ~~or AND~~ ~~remonumentation of the county, or of the~~
13 ~~several counties in a multicounty plan~~ **DESCRIBED IN SECTION 8(2)(A)**
14 **OR IF THE APPLICANT VOLUNTARILY CHOOSES TO PROCEED TO THE PROGRAM**
15 **DESCRIBED IN SECTION 8(2)(D) .**

16 Sec. 15. (1) A recipient of a grant made ~~pursuant to~~ **UNDER**
17 section 12(1)(a), (b), or (d) shall obtain authorization from the
18 ~~commission~~ **DEPARTMENT** before implementing a change that
19 significantly alters the approved ~~county plan or multicounty~~
20 ~~plan.~~ **GRANT.**

21 (2) The ~~commission~~ **DEPARTMENT** may revoke a grant made by it
22 ~~pursuant to~~ **UNDER** this act or withhold payment if the recipient of
23 the grant fails to comply with the terms and conditions of the
24 grant, or with requirements of this act or the rules promulgated
25 ~~pursuant to~~ **UNDER** this act.

26 (3) The ~~commission~~ **DEPARTMENT** may withhold a grant until the
27 ~~commission~~ **DEPARTMENT** determines that the recipient is able to

1 proceed with the implementation of the **APPLICANT'S** county plan. ~~or~~
2 ~~multicounty plan.~~

3 Sec. 16. (1) The ~~commission~~, **DEPARTMENT**, upon request, shall
4 provide copies or certified copies of records in its possession to
5 the public, other state agencies or officers, or local governmental
6 agencies. The ~~commission~~ **DEPARTMENT** may charge a reasonable fee for
7 providing the records.

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

12 Sec. 17. (1) The department ~~of commerce~~ shall promulgate rules
13 pursuant to the administrative procedures act of 1969, ~~Act No. 306~~
14 ~~of the Public Acts of 1969, being sections 1969 PA 306, MCL 24.201~~
15 ~~to 24.328, of the Michigan Compiled Laws,~~ to implement this act.

16 (2) In ~~doing so~~, **PROMULGATING RULES UNDER THIS SECTION, OR IN**
17 **ADOPTING A GUIDELINE RELATED TO THE ADMINISTRATION OF THIS ACT**, the
18 department shall **CONSULT WITH AND** consider recommendations provided
19 to ~~them~~ **IT** by the commission.

20 (3) **AFTER THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS**
21 **SUBSECTION, THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS**
22 **ACT AS AMENDED BY THAT AMENDATORY ACT. BEFORE THE PROMULGATION OF**
23 **RULES UNDER THIS SUBSECTION, THE DEPARTMENT MAY CONTINUE TO**
24 **ADMINISTER THIS ACT UNDER PREVIOUSLY PROMULGATED RULES TO THE**
25 **EXTENT THAT THE RULES DO NOT CONFLICT WITH THIS ACT AS AMENDED BY**
26 **THAT AMENDATORY ACT.**

27 **SEC. 17A. IF A COUNTY IS AGGRIEVED BY A DECISION OF THE**

1 DEPARTMENT THAT AFFECTS THE COUNTY MADE UNDER THIS ACT OR THE RULES
2 PROMULGATED UNDER THIS ACT, THE COUNTY MAY CONTEST THE DECISION OF
3 THE DEPARTMENT AS A CONTESTED CASE UNDER THE ADMINISTRATIVE
4 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.