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SFA**BILL ANALYSIS**

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Senate Bill 803 (as introduced 10-13-99)
Sponsor: Senator Joanne G. Emmons
Committee: Local, Urban and State Affairs

Date Completed: 11-9-99

CONTENT

The bill would amend the Corner Recordation Act to allow the installation of reference monuments when access to a corner would be unsafe; require monuments to have specific measurements; revise the requirements for setting a monument in a public roadway and on other property; increase the penalty for destroying a corner; and repeal Sections 9 and 11 of the Act.

Reference Monuments

Currently, if a corner record must be filed under the Act, the surveyor must reconstruct or rehabilitate the monument of the corner and accessories to it so that it is left in such a physical condition that it remains as permanent a monument as is reasonably possible. The bill would retain that requirement, but would require the surveyor to "monument" the corner, rather than reconstruct or rehabilitate the monument.

The bill provides that if access to the corner location would create an unsafe condition, the surveyor could install at least four reference monuments interrelated and visible with the corner location and each other by angular and linear measurements. ("Reference monument" means a special monument that does not occupy the same geographical position as the corner itself but whose spatial relationship to the corner is recorded and that serves to witness the corner.)

The Act defines "monument" as "an accessory that is presumed to occupy the exact position of a corner which shall be monumented in the field with permanent markers which possess a magnetic field, unless previously monumented with iron stakes, and capped with some device legibly showing the license number of the licensed land surveyor responsible for placing them". Under the bill, "monument" would mean a marker that occupied the position of a corner and that possessed or was made to possess a magnetic field.

"Corner record" would mean a written record on a form, approved by the Board of Professional Surveyors, of a corner established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as a control in a survey.

Setting a Monument

The bill provides that when set, a monument would have to possess a magnetic field, be at least a half-inch in diameter and a minimum of 18 inches in length, and be legibly capped showing the license number of the surveyor. Unless it were to be set in a public roadway, a monument would have to be set with at least two-thirds of its length below the surface of the surrounding ground. If a corner were located in a public roadway and the roadway were hard-surfaced at the corner, whether by concrete, asphalt, or otherwise, the monument would have to be visible or contained within a visible protected enclosure and would have to comply with any requirements of the agency having jurisdiction. If a corner to be monumented were located on a rock outcropping, the monument would have to be an iron bar at least half inch in diameter, drilled and grouted into solid rock to a depth of at least eight inches.

Currently, when a monument is not set in a public highway, the monument must be set not more than six inches above the surface of the surrounding ground and not more than six inches below the surface of the ground. When a corner is located in a public highway that is not hard-surfaced, the monument must be placed at least

six inches below the surface of the highway. When a highway is hard-surfaced at the corner, whether by concrete, tarvia, or otherwise, a circular opening at least six inches in diameter must be left at the corner and properly covered with a metal cover, and the monument must be placed in the opening beneath the cover. The bill would replace these provisions as described above.

Penalties

Currently, a person who defaces, destroys, alters, or removes a corner is guilty of a misdemeanor and subject to a maximum fine of \$500 and/or imprisonment for up to 60 days. The bill provides, instead, that a person who defaced, destroyed, altered, or removed a corner monument or reference monument would be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment for up to 180 days.

Repealer

The bill would repeal Section 9, which allows corner records to be filed concerning corners established, reestablished, or restored before the Act's effective date; and Section 11, which allows the county board of commissioners of a county by a majority vote to authorize that county to furnish monuments for use within that county to registered land surveyors free of charge.

MCL 54.202 et al.

Legislative Analyst: N. Nagata

FISCAL IMPACT

Senate Bill 803 would have an indeterminate fiscal impact on local government.

The bill would increase misdemeanor penalties for defacing, destroying, altering, or removing a corner monument or reference monument from 60 days incarceration and/or a \$500 fine to 180 days and/or a \$1,000. Local units of government would incur the cost of incarceration and/or receive the fine revenue. There are no available data to indicate how many offenders may be convicted of this misdemeanor each year and costs of incarceration vary among the counties.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.