

HOUSE BILL No. 5807

March 19, 2002, Introduced by Rep. Shackleton and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1990 PA 345, entitled
"State survey and remonumentation act,"
by amending sections 8 and 12 (MCL 54.268 and 54.272), as amended
by 1998 PA 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

9 (a) The monumentation or remonumentation of the entire
10 county, within 20 years, under the guidelines of the manual of

1 instructions for the survey of the public lands of the United
2 States, 1973, prepared by the bureau of land management of the
3 department of interior, technical bulletin 6, or subsequent
4 editions.

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

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

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

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

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

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

1 THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THE REVISED
2 MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.

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

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

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

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

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

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

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

23 (2) In addition to the purposes described in subsection (1),
24 money in the fund shall be used to pay the costs of expediting a
25 plan or to reimburse the cost described in section 8(6) AND (7),
26 for a county or 2 or more counties that have elected to expend or

1 borrow funds to expedite the implementation of the county's or
2 counties' plan.

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

7 (a) An annual grant to a county pursuant to
8 subsection (1)(a) or to 2 or more counties pursuant to
9 subsection (1)(b) shall be in an amount that is not less than 40%
10 of the amount of money collected in that county or those coun-
11 ties, as applicable, under section 2567a of the revised judica-
12 ture act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar
13 year immediately preceding the year in which the grant is made.

14 (b) If the commission initiates and contracts for the imple-
15 mentation of a county plan for a county pursuant to section 8(4),
16 the commission shall annually spend an amount that is not less
17 than 40% of the amount of money collected in that county
18 ~~pursuant to~~ UNDER section 2567a of the revised judicature act
19 of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year
20 immediately preceding the year in which the expenditure is made,
21 to implement that county plan.

22 (4) If the commission contracts with a county or 2 or more
23 counties that elect to expend or borrow funds to expedite the
24 implementation of the county's or counties' plan ~~pursuant to~~
25 UNDER section 6(2), the commission shall annually pay to that
26 county or counties in lieu of any grant or payments under
27 subsection (3) an amount that is not less than 40% of the amount

1 of money collected in that county or counties under section 2567a
2 of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.2567a, during the calendar year and will be paid in
4 annual installments until the contract is paid in full.