

Act No. 260
Public Acts of 2010
Approved by the Governor
December 14, 2010
Filed with the Secretary of State
December 14, 2010
EFFECTIVE DATE: Pending

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senators Jelinek, Van Woerkom, George, Birkholz and Cropsey

ENROLLED SENATE BILL No. 375

AN ACT to amend 1990 PA 345, entitled "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," by amending sections 2 and 12 (MCL 54.262 and 54.272), section 2 as amended by 1998 PA 5 and section 12 as amended by 2002 PA 489.

The People of the State of Michigan enact:

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.

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.

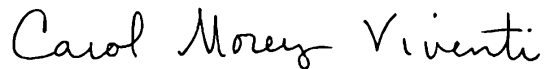
(b) If the commission initiates and contracts for the implementation of a county plan for a county pursuant to section 8(4), the commission shall annually spend an amount that is not less than 40% of the amount of money collected in that county under section 2567a of the revised judicature act of 1961, 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.

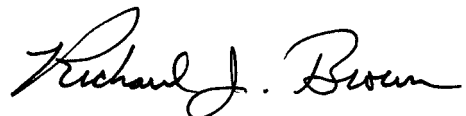
(5) In addition to the purposes described in subsections (1) and (2), any amount of money not greater than \$500,000.00 that is appropriated by the legislature to pay the costs of the monumentation of the Michigan-Indiana state boundary line pursuant to the Michigan and Indiana state line monument act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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 374 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 374, referred to in enacting section 1, was filed with the Secretary of State December 22, 2010, and became 2010 PA 374, Imd. Eff. Dec. 22, 2010.