

STATE SURVEY & REMONUMENTATION ACT

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Senate Bill 472 (S-2)

Sponsor: Sen. Howard C. Walker

House Committee: Local Government

Senate Committee: Local Government and Elections

Complete to 3-12-14

A SUMMARY OF SENATE BILL 472 AS PASSED BY THE SENATE 3-6-14

Senate Bill 472 (S-2) would amend the State Survey and Remonumentation Act (MCL 54.262 et al.) to revise 15 sections of the law, and add three sections. Notably, the bill would re-establish the State Survey and Remonumentation Commission within the Department of Licensing and Regulatory Affairs. All the statutory authority, powers, duties, functions, and responsibilities of the commission were transferred to the Director of the Department of Consumer and Industry Services (now the Department of Licensing and Regulatory Affairs) by Executive Order 96-2 during the Engler Administration.

Among the aims of the act are (1) to create a state program to 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; (2) coordinate the restoration, establishment, maintenance, and preservation of other boundary records otherwise established by law, or considered by the commission to be of importance; and (3) foster, encourage, and promote the establishment of remonumentation programs in every county in this state.

In addition to re-establishing the commission, the bill would do the following:

- Increase the commission's membership from five to seven by adding a grant administrator and an additional member to represent the general public. Members would continue to be appointed by the governor with the advice and consent of the Senate. Overall, two members would represent the general public, one member would be a grant administrator, and four members would be surveyors (one of whom would serve as a county representative). The four would geographically represent the four regions of Michigan's upper and lower peninsulas.
- Require a county board of commissioners to appoint a peer review group to review and provide advice on original survey corners presented by surveyors before the county accepted the corners for filing under the county plan.
- The State Survey Commission would meet twice each year (rather than four times which is now the case).

Transfer some of the duties currently carried out by the Department of Licensing and Regulatory Affairs (LARA) back to the commission, and revise these duties.

- Require members of the commission to be reimbursed from the State Survey and Remonumentation Fund, rather than the General Fund.
- Eliminate a requirement that the commission appoint an executive director and delegate duties to him or her.
- Require the commission to coordinate memoranda of understanding with other state, federal, and local agencies to promote the activities necessary, incidental, or appropriate to promotion of the act.
- Require the commission to review county monumentation and remonumentation plans for approval.
- Require the commission to coordinate and administer a grant program for grants to counties to implement the act.
- Require LARA to promulgate rules to implement the act.
- By the second March 1 after LARA promulgated rules, require each county to submit to LARA for approval in consultation with the commission a county plan or revised plan that complied with the requirements of the act and the rules.
- Specify that a county plan include a monumentation and remonumentation plan and a perpetual monument maintenance plan.
- Delete a provision allowing two or more contiguous counties to submit a multi-county monumentation and remonumentation plan, as well as references to multi-county plans throughout the act.
- Prohibit a county from expediting its plan or spending or borrowing money to expedite its plan after the bill's effective date.
- Require an annual grant to a county to be at least 20 percent of certain recording fees collected in the county to implement its perpetual monument maintenance plan, and delete a requirement that the commission make at least 5 percent of the total amount in the State Survey and Remonumentation Fund available for this purpose.
- Require the commission to spend at least 20 percent of certain recording fees collected in a county if LARA initiated and contracted for implementation of the county plan.

- Delete a requirement that the commission spend 40 percent of certain recording fees collected in a county to implement that county's plan, if the commission contracts with a county that elects to spend or borrow money to expedite implementation.
- Eliminate a provision prohibiting LARA from making a grant unless the applicant meets the prescribed deadline for establishing an approved county plan.
- Allow a county plan to provide for the support by a county program of the extension, densification, upgrade, and maintenance of active and passive geodetic control stations.
- Require a county board of commissioners to appoint a grant administrator to be responsible for and oversee the county's obligations and money associated with the act.
- Allow a county aggrieved by a LARA decision to contest it as a contested case under the Administrative Procedures Act.
- Require LARA to consult with and consider recommendations of the commission in promulgating rules or adopting guidelines related to administration of the act.
- Require the employee in direct charge of the State Survey and Remonumentation Section in LARA to be a licensed professional surveyor.

FISCAL IMPACT:

Senate Bill 472, as passed by the Senate, would have an indeterminate, yet nominal, negative fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) engendered by the reimbursement for actual and necessary expenses of members of the Commission, and could have an indeterminate, yet nominal, negative fiscal impact on counties in the appointment of peer review groups to review and provide advice on original public land survey corners. An additional indeterminate, yet overall neutral, fiscal impact on counties results from changing the stipulation that at least 5% of total revenue within the Fund be expended for grants to support the implementation of perpetual monument maintenance plans to the stipulation that 20% of the annual revenue collected within each county is granted to each eligible county for the implementation of its perpetual monument maintenance plan.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.