

CORNER RECORDATION ACT REVISIONS

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Senate Bill 1043 (without amendment)

Sponsor: Sen. Howard Walker

(Enacted as Public Act 420 of 2014)

House Committee: Local Government

Senate Committee: Local Government and Elections (Discharged)

Complete to 12-8-14

A SUMMARY OF SENATE BILL 1043 AS REPORTED BY HOUSE COMMITTEE

The Corner Recordation Act provides for a system of recording "corners," which generally speaking are geographic points on the earth's surface that serve as the basis for all public and private property locations. According to information from the State Survey and Remonumentation Program, these corners are the initial points from which the public lands were patented and transferred to private ownership and are the foundation for all land ownership within the state today. (There is a remonumentation program underway which aims, according to the SSRP, at "the recovery, rehabilitation, remonumentation and perpetual monument maintenance of public land survey corners or property controlling corners established and monumented in an original survey or resurvey by the United States government.")

Senate Bill 1043 would amend the Corner Recordation Act (MCL 54.202 et al) to do the following:

- Require a surveyor who used an original public land survey corner to file a corner record with the county register of deeds, as is currently required when a surveyor uses a public land survey corner or an accessory to the corner.
- Require a surveyor to file a land corner recordation certificate with the register of deeds within 90 days after the surveyor monumented a protracted public land survey corner.
- Require a property controlling corner to be recorded on the same land corner recordation certificate required in the two situations described above, if a property controlling corner were recorded or used as an original public land survey corner or protracted public land survey corner.
- Allow a surveyor who monumented or used a corner to complete, sign, and seal a land corner recordation certificate for the corner, and file it with the register of deeds, if none of the situations described above applied.
- Allow a surveyor to establish a "witness monument" (an accessory that is a monumented point near a corner) if it were impracticable to occupy the site of a corner with a monument, and prescribe requirements for setting a witness monument.
- Delete a provision that allows a surveyor to install at least four reference monuments if access to a corner location will create an unsafe condition.

- Increase from \$1,000 to \$5,000 the maximum misdemeanor fine for defacing, destroying, altering, or removing a corner monument or reference monument, and apply the penalty to defacing, destroying, altering, or removing a monument, accessory, witness monument, or reference monument.

FISCAL IMPACT:

Senate Bill 1043, as passed by the Senate, would have an incidental fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) to the extent that LARA would incur costs, supported with existing resources, to promulgate administrative rules to implement the Corner Recordation Act of 1970.

Any increase in misdemeanor fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

POSITIONS:

The Michigan Society of Professional Surveyors supports the bill. (12-4-14)

The Department of Licensing and Regulatory Affairs supports the bill. (12-4-14)

Legislative Analyst: J. Hunault
Fiscal Analysts: Paul Holland

■ 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.