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Senate Bill 472 (as introduced 9-10-13)
Sponsor: Senator Howard C. Walker
Committee: Local Government and Elections

Date Completed: 12-4-13

CONTENT

The bill would amend the State Survey and Remonumentation Act to do the following:

- **Require the State Survey and Remonumentation Commission to provide for the funding of certain activities it is required to perform.**
- **Require the Commission to perform specified appellate 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 program manager of the State Survey and Remonumentation Section in the Department of Licensing and Regulatory Affairs (LARA), as well as his or her chief assistant, to be licensed professional surveyors.**
- **Require an approved county plan for monumentation and remonumentation to include a peer review for all remonumented corners.**
- **Require a county board of commissioners to appoint a peer review group to review remonumentation documentation and corner positions.**
- **Specify that a county plan would have to include one phase for monumentation and remonumentation and the establishment of precise geodetic coordinates for each remonumented corner, and a second phase including a required perpetual monument maintenance plan.**
- **Require a county plan to include an appendix that contained explicit inventories and the total quantities of the corners completed to date and the corners yet to be completed.**
- **Require a county board of commissioners to appoint an individual to act as the grant administrator to manage the county's obligations for all projects approved or initiated under the Act.**
- **Delete a requirement that the Commission spend 40% of certain recording fees collected in a county to implement that county's plan.**

The bill would take effect on January 1, 2014.

State Survey & Remonumentation Commission

The five-member State Survey and Remonumentation Commission exists within LARA and is responsible for activities specified in the Act. Members must be appointed by the Governor with the advice and consent of the Senate. The Commission consists of one member

representing the general public and four licensed professional surveyors, including three who are residents of designated areas of the State.

Members of the Commission serve without compensation, but must be reimbursed for actual and necessary expenses in accordance with standards established annually by the Legislature for similar boards and commissions. The Act requires that members be reimbursed from the General Fund. Under the bill, members would have to be reimbursed from the State Survey and Remonumentation Fund.

The Commission's duties include the following:

- Coordinating the restoration, maintenance, and preservation of the land survey records of vertical and horizontal monuments, the Public Land Survey System, and the property controlling corners established by the U.S. Public Land Survey and the National Geodetic Survey within Michigan.
- Establishing, maintaining, and providing safe storage facilities for a comprehensive system of recordation and dissemination of land information records.
- Coordinating the extension, densification, and maintenance of the horizontal and vertical control networks initiated by the Federal government through the National Geodetic Survey and the U.S. Geological Survey.

Under the bill, the Commission also would have to provide for the funding of all of these activities. The bill would allow a county to provide support for the extension, densification, upgrade, and maintenance of the continuously operating reference stations, if provided for in the county plan.

The bill would require the Commission to perform all of the following appellate duties:

- Mediating disputes between counties regarding corner location or a common county line.
- Acting as an appellate board to review appeals of corner location decisions.
- Holding public hearings to resolve disputes over the interpretation of a county plan or the Act.

The Act requires the Commission to appoint an executive director, who, under the direction of the Commission, must carry out the routine duties delegated to him or her by the Commission. The executive director must retain employees, including at least one licensed surveyor and adequate secretarial staff, as he or she considers necessary. The employees must be classified as civil servants. The bill would delete all of these provisions.

The bill would require the program manager (i.e., the employee in direct charge of the State Survey and Remonumentation Section in the Department of Licensing and Regulatory Affairs) who performs services for the LARA Director and the Commission under the Act, and that employee's chief assistant, to be licensed as professional surveyors under the Occupational Code.

Currently, "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 one or more of its corners. Under the bill, the term would mean any of the following:

- A position misidentified and used as a government corner or a protracted position that serves to control property lines.
- A monumented position that is not a government corner, lying on a section line or quarter line near a body of water, that serves to define the section line or quarter line in lieu of a submerged government position or an omitted meander position.
- Any other corner approved by the Commission.

"Protracted position" would mean a closing quarter section position along a township or range line or a center quarter section position that was not actually monumented on the ground in the field notes of the original Federal government survey, but that serves to complete the nominal half-mile grid of government corners.

"Government corner" would mean any of the following:

- A Public Land Survey section corner, quarter corner or quarter post, or meander corner that was monumented on the ground and established in the field notes of the original Federal government survey or a subsequent Federal supplemental survey.
- A corner of a military reservation, Indian reservation, or federally recognized private claim as shown on the General Land Office (GLO) plats; or the terminus of a section line where it intersects a military reservation, Indian reservation, or federally recognized private claim.
- A corner of a tract or subdivision of a tract surveyed under contract with the Federal government before the GLO rectangular surveys.

County Plan

The Act requires each county to establish a county monumentation and remonumentation plan. By January 1, 1994, each county had to submit a county plan that was approved by the Commission. (If a county failed to establish and submit an approved plan by that date, the Commission had to initiate and contract for the implementation of a plan in that county.) The bill would require an approved county plan to include a peer review for all remonumented corners. The peer review would have to be conducted by at least three noninterested licensed professional surveyors and paid for as provided in the county plan.

A county plan must provide for the monumentation or remonumentation of the entire county, within 20 years, under the guidelines of the Manual of Instructions for the Survey of the Public Lands of the United States prepared by the Bureau of Land Management of the U.S. Department of the Interior. Under the bill, instead, the plan would have to provide for a two-phase program. Instead, Phase 1 would have to accomplish the monumentation and remonumentation of the government corners within the county and the protracted position and property controlling position within the county that were included in the county plan. Phase 1 also would include the establishment of precise geodetic coordinates for each remonumented corner, if the county so directed, and as expressed in the county plan. The coordinates would have to be reported and recorded as State plan coordinates expressed to the nearest 1/100 of a foot, as required by Public Act 9 of 1964 (which governs Michigan coordinate systems).

The Act requires the county plan to include a perpetual monument maintenance plan that provides for all corners to be checked, and if necessary remonumented, at least once every 20 years. Under the bill, this requirement would constitute phase 2 of the required plan, although the bill would eliminate the reference to the 20-year time frame.

The bill also would require a county plan to include an appendix, to be revised and updated at the end of each grant year, that contained explicit inventories and the total quantities of the corners completed to date and the corners yet to be completed.

Grant Administrator

The Act provides that the county surveyor in each county is the county representative for all surveying projects approved by or initiated under the Act. In a county that does not have a county surveyor, a licensed professional surveyor must be appointed and perform these duties.

The bill also would require a county board of commissioners to appoint an individual to act as the grant administrator to manage the county's obligations for all projects approved or initiated under the Act. A grant administrator would have to coordinate with the county representative on all surveying projects approved or initiated by the Commission, and would have to perform all of the duties prescribed under the Act, including all of the following:

- Submitting a grant application and supporting documents to the Commission by December 31 of each year.
- Managing the process for selecting monumentation surveyors.
- Submitting proposed county monumentation surveyor contracts to the board of county commissioners for approval and authorization.
- Recommending payment to monumentation surveyors as provided by contract.
- Submitting other documentation as required by the Commission.

If the surveyor acting as the county representative were not a monumentation surveyor, he or she could be appointed and also act as the county grant administrator.

Peer Review Group

The bill would require a county board of commissioners to appoint a peer review group to review remonumentation documentation and corner positions of projects approved or initiated under the Act.

Survey & Remonumentation Fund

The Act prescribes the purposes for which the Commission must use money in the Fund. The purposes include the implementation of plans initiated and contracted for by the Commission in counties that failed to meet the deadline for submission of an approved plan.

If the Commission initiates and contracts for implementation of a county plan, the Commission annually must spend an amount equal to at least 40% of the money collected in that county under Section 2657a of the Revised Judicature Act (RJA) during the preceding calendar year to implement that county plan. The bill would delete this requirement.

(Section 2657a of the Revised Judicature Act requires the county register of deeds to collect a fee of \$4 for recording any instrument. The fees, minus administration costs, must be remitted to the State Treasurer for deposit in the Fund.)

MCL 54.262 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a neutral fiscal impact on State government and a neutral fiscal impact on local units of government. The bill would require the State Survey and Remonumentation Commission to mediate disputes between counties regarding corner location, act as an appellate board to review corner location decisions, and hold public hearings to resolve disputes over the interpretation of a county plan. To the extent that these functions are not already performed by the Department of Licensing and Regulatory Affairs, this requirement would result in additional costs that would be covered with revenue from the Survey and Remonumentation Fund.

Fiscal Analyst: Josh Sefton

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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.