

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 472

A bill to amend 1990 PA 345, entitled
"State survey and remonumentation act,"
by amending the title and sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, and 17 (MCL 54.262, 54.263, 54.264, 54.266, 54.267,
54.268, 54.269, 54.270, 54.271, 54.272, 54.273, 54.274, 54.275,
54.276, and 54.277), sections 2 and 12 as amended by 2010 PA 260,
section 6 as amended by 1998 PA 5, section 8 as amended by 2002 PA
489, and section 11 as amended by 2006 PA 76, and by adding
sections 9a, 9b, and 17a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to create a state survey and remonumentation commission

3

and to prescribe its powers and duties; ~~to provide for the~~

4

~~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;~~ **AND TO REQUIRE THE PROMULGATION OF RULES.**

Sec. 2. As used in this act:

(a) "Commission" means the ~~director of the department of~~
~~energy, labor, and economic growth.~~ **STATE SURVEY AND REMONUMENTATION**
COMMISSION CREATED IN SECTION 3.

(b) "County plan" means a county monumentation and
remonumentation plan **AND PERPETUAL MONUMENT MAINTENANCE PLAN**
ESTABLISHED under section 8.

~~—— (c) "Executive director" means the person appointed to that~~
~~office under section 7.~~

(C) "COUNTY REPRESENTATIVE" MEANS THE INDIVIDUAL OBLIGATED TO
PERFORM THE DUTIES OF COUNTY REPRESENTATIVE UNDER SECTION 9.

(D) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS.

(E) ~~(d)~~—"Fund" means the state survey and remonumentation fund
created in section 11.

(F) "MONUMENTATION" MEANS ALL LAND SURVEYING ACTIVITIES
PERFORMED BY A SURVEYOR TO MONUMENT A PROTRACTED PUBLIC LAND SURVEY
CORNER UNDER THIS ACT AND IN ACCORDANCE WITH THE LAWS OF THIS
STATE.

(G) "ORIGINAL PUBLIC LAND SURVEY CORNER" MEANS A CORNER

1 ESTABLISHED AND MONUMENTED PURSUANT TO ORDERS AND INSTRUCTIONS
2 ISSUED BY THE UNITED STATES GOVERNMENT FOR THE PURPOSES OF
3 DELINEATING UNITED STATES PUBLIC LANDS AND PRIVATE LANDS OR
4 SUBDIVIDING PUBLIC LANDS FOR CONVEYANCE.

5 (H) ~~(e) "Property controlling corner" for a property means a~~
6 ~~public land survey corner or any property corner that does not lie~~
7 ~~on a property line of the property in question but that controls~~
8 ~~the location of 1 or more of the property corners of the property~~
9 ~~in question.~~ EITHER OF THE FOLLOWING:

10 (i) A POSITION MISIDENTIFIED AS AND USED AS AN ORIGINAL PUBLIC
11 LAND SURVEY CORNER OR AS A PROTRACTED PUBLIC LAND SURVEY CORNER
12 THAT SERVES TO CONTROL PROPERTY LINES.

13 (ii) ANY OTHER CORNER APPROVED BY THE DEPARTMENT, ACTING IN
14 CONSULTATION WITH THE COMMISSION.

15 (I) "PROTRACTED PUBLIC LAND SURVEY CORNER" MEANS EITHER OF THE
16 FOLLOWING:

17 (i) A CLOSING QUARTER SECTION POSITION ALONG A TOWNSHIP OR
18 RANGE LINE OR A CENTER QUARTER SECTION POSITION THAT WAS NOT
19 ACTUALLY MONUMENTED ON THE GROUND IN THE FIELD NOTES OF THE
20 ORIGINAL UNITED STATES GOVERNMENT SURVEY, BUT THAT SERVES TO
21 COMPLETE THE NOMINAL HALF-MILE GRID OF GOVERNMENT CORNERS.

22 (ii) A MONUMENTED POSITION THAT IS NOT AN ORIGINAL PUBLIC LAND
23 SURVEY CORNER, LYING ON A SECTION LINE OR QUARTER LINE NEAR A BODY
24 OF WATER, THAT SERVES TO DEFINE THE SECTION LINE OR QUARTER LINE IN
25 LIEU OF A SUBMERGED GOVERNMENT POSITION OR AN OMITTED MEANDER
26 POSITION.

27 (J) "REMONUMENTATION" MEANS ALL LAND SURVEYING ACTIVITIES

PERFORMED BY A SURVEYOR TO PERPETUATE A PREVIOUSLY MONUMENTED
ORIGINAL PUBLIC LAND SURVEY CORNER, PROTRACTED PUBLIC LAND SURVEY
CORNER, OR PROPERTY CONTROLLING CORNER AS PROVIDED IN THIS ACT.

(K) "SURVEYOR" MEANS A PROFESSIONAL SURVEYOR WHO IS LICENSED
TO PRACTICE PROFESSIONAL SURVEYING UNDER ARTICLE 20 OF THE
OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014.

Sec. 3. (1) The state survey and remonumentation commission is
created in the department. ~~of commerce.~~

(2) The commission shall consist of ~~5-7~~ members. ~~, who shall~~
~~be appointed by the~~ **BY JANUARY 1, 2015, THE** governor **SHALL APPOINT**
THE MEMBERS, with the advice and consent of the senate, as follows:

(a) ~~One member~~ **TWO MEMBERS** shall **BE APPOINTED TO** represent the
general public.

(B) **ONE MEMBER MUST BE A GRANT ADMINISTRATOR APPOINTED UNDER**
SECTION 9A.

(C) ~~(b) The remaining 4 members shall~~ **MUST** be land surveyors,
~~licensed pursuant to article 20 of the occupational code, Act No.~~
~~299 of the Public Acts of 1980, being sections 339.2001 to 339.2014~~
~~of the Michigan Compiled Laws, 1 of whom~~ **MUST** also ~~shall~~ be serving
as a county surveyor ~~for a county in this state.~~ **REPRESENTATIVE.**

The 4 members appointed under this subdivision ~~shall~~ **MUST** be
residents of the following areas of this state:

(i) One ~~shall~~ **MUST** be a resident of the Upper Peninsula, ~~of~~
~~Michigan,~~ 1 ~~shall~~ **MUST** be a resident of the area of the Lower
Peninsula ~~of Michigan~~ that is north of the survey township line
lying between survey township 16 north and survey township 17
north, and 1 ~~shall~~ **MUST** be a resident of the area of the Lower

1 Peninsula ~~of Michigan~~ that is south of the survey township line
2 lying between survey township 16 north and survey township 17
3 north.

4 (ii) One ~~shall~~ **MUST** be a member at large, and ~~shall~~ **MAY** be a
5 resident of any area of this state.

6 (3) Of the ~~5-7~~ members first appointed to the commission **AFTER**
7 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 9A**, 1
8 shall be appointed for a term of 1 year, ~~1-2~~ for a ~~term~~ **TERMS** of 2
9 years **EACH**, ~~1-2~~ for a ~~term~~ **TERMS** of 3 years **EACH**, and 2 for terms
10 of 4 years each. At the expiration of the term of ~~each~~ **A** member,
11 the governor shall appoint a successor, who shall hold office for a
12 term of 4 years and until his or her successor has been appointed
13 and qualified. ~~A-IF THERE IS A~~ vacancy in the office of a member of
14 the commission, **THE GOVERNOR** shall ~~be filled by appointment by the~~
15 ~~governor,~~ **APPOINT A SUCCESSOR**, with the advice and consent of the
16 senate, for the unexpired term.

17 (4) Members of the commission shall serve without
18 compensation, but shall be reimbursed **FROM THE FUND** for actual and
19 necessary ~~per diem~~ expenses in accordance with standards
20 established annually by the legislature for similar boards or
21 commissions. ~~that are reimbursed from the general fund.~~

22 Sec. 4. At the commission's first meeting, 1 member of the
23 commission shall be selected by a majority of the commission
24 members to be chairperson. The commission shall meet at least ~~4-2~~
25 times each year, at a time and place agreed upon by the commission.
26 The chairperson may call special meetings at a time and place
27 determined by the chairperson.

1 Sec. 6. (1) The ~~commission~~**DEPARTMENT** shall do all of the
2 following:

3 (a) Coordinate the restoration, maintenance, and the
4 preservation of the land survey records **AND MONUMENTS** of ~~vertical~~
5 ~~and horizontal monuments,~~ the public land survey system, ~~and the~~
6 ~~property controlling corners established by the United States~~
7 ~~public land survey and by the national geodetic survey within~~**IN**
8 this state, including, but not ~~necessarily~~ limited to, all
9 pertinent field notes, plats, and documents, ~~and coordinate the~~
10 ~~restoration, establishment, maintenance, and preservation of other~~
11 ~~boundary records otherwise established by law, or considered by the~~
12 ~~commission to be of importance.~~**AND MONUMENTS.**

13 (b) Establish ~~and~~**A POLICY TO** maintain ~~and~~ provide safe
14 storage ~~facilities for a comprehensive system of recordation and~~
15 ~~dissemination of land information records~~ **REQUIRED TO BE FILED WITH**
16 **THE DEPARTMENT UNDER THIS ACT.**

17 ~~—— (c) Coordinate the extension, densification, and maintenance~~
18 ~~of the horizontal and vertical control networks initiated by the~~
19 ~~federal government through the national geodetic survey and the~~
20 ~~United States geological survey.~~

21 ~~—— (d) Coordinate the collection and preservation of information~~
22 ~~obtained from surveys made by persons or organizations authorized~~
23 ~~to establish monuments or land boundaries, and to assist in proper~~
24 ~~recording of monuments or land boundaries by county surveyors or~~
25 ~~registers of deeds.~~

26 **(C) COORDINATE MEMORANDA OF UNDERSTANDING WITH OTHER STATE,**
27 **FEDERAL, AND LOCAL AGENCIES TO PROMOTE THE ACTIVITIES NECESSARY,**

1 INCIDENTAL, OR APPROPRIATE TO PROMOTE THIS ACT.

2 (D) ~~(e) Foster, encourage, and promote the establishment of~~
 3 ~~remonumentation programs in every~~ COUNTY PLANS FOR EACH county in
 4 this state AND, AFTER SUBMISSION OF COUNTY PLANS, REVIEW THE PLANS
 5 FOR APPROVAL.

6 ~~— (f) Establish and maintain a data base of information on~~
 7 ~~approved monumented horizontal and vertical control in this state.~~

8 (E) COORDINATE AND ADMINISTER A GRANT PROGRAM FOR GRANTS TO
 9 COUNTIES TO IMPLEMENT THIS ACT.

10 (F) ~~(g) On or before~~ BY October 1 , 1993, ~~and biennially after~~
 11 ~~October 1, 1993,~~ IN EACH ODD-NUMBERED YEAR, submit a report to the
 12 legislature AND EACH COUNTY BOARD OF COMMISSIONERS. The report
 13 ~~shall~~ MUST include, but not be limited to, all of the following:

14 (i) A summary of the ~~commission's~~ DEPARTMENT'S activities
 15 regarding administration of this act.

16 (ii) An assessment of the progress of the implementation of
 17 county monumentation and remonumentation plans throughout this
 18 state.

19 (iii) A statement regarding the amount of money that was
 20 received and disbursed from the fund.

21 (iv) An assessment of how much money is necessary to carry out
 22 ~~monumentation or remonumentation of the entire~~ THE COUNTY PLANS IN
 23 THIS state.

24 (v) An assessment of whether the money received in the fund is
 25 adequate to implement this act.

26 (vi) Recommendations including, but not limited to, the level
 27 of funding that is necessary to implement this act.

~~1 (h) On or before October 1, 1993, submit a copy of the initial~~
~~2 report that is prepared pursuant to subdivision (g) to the county~~
~~3 board of commissioners of each county of this state.~~

~~4 (i) Establish and administer a grant program to counties to~~
~~5 implement this act.~~

6 (vii) A STATEMENT OF THE AMOUNT OF MONEY DISBURSED FROM THE
 7 FUND TO EACH GRANTEE, THE AVERAGE AMOUNT OF MONEY SPENT PER CORNER
 8 BY EACH GRANTEE, AND THE PERCENTAGE OF WORK IN ITS COUNTY PLAN
 9 COMPLETED BY EACH GRANTEE.

10 (2) If a county ~~or 2 or more counties elect~~ **ELECTS** to expedite
 11 the county's ~~or counties'~~ plan as provided in section ~~8(5), 8~~, the
 12 ~~commission~~ **DEPARTMENT** shall enter into a contract described in
 13 section ~~8(5) 8(4)~~ to pay or reimburse the costs of expediting the
 14 plan. The amount expended or borrowed for expediting the county's
 15 ~~or counties'~~ plan shall be paid from the fund as provided in
 16 section 12(2). ~~and (4).~~

17 (3) IN PERFORMING ITS DUTIES UNDER THIS ACT, IF THE DEPARTMENT
 18 IS REQUIRED TO INTERACT IN ANY WAY WITH THE COMMISSION AND IF THE
 19 INITIAL MEMBERS OF THE COMMISSION HAVE NOT BEEN APPOINTED AND THEIR
 20 APPOINTMENT CONSENTED TO BY THE SENATE UNDER SECTION 3 AS AMENDED
 21 BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT
 22 MAY PROCEED WITH ITS DUTIES UNDER THIS ACT WITHOUT THE REQUIRED
 23 INTERACTION UNTIL THE INITIAL MEMBERS ARE APPOINTED AND THEIR
 24 APPOINTMENT CONSENTED TO.

25 Sec. 7. ~~(1) The commission shall appoint an executive~~
 26 ~~director. The executive director, under the direction of the~~
 27 ~~commission, shall carry out the routine duties of the commission,~~

~~as delegated to the executive director by the commission. The executive director shall retain employees, including at least 1 licensed surveyor and adequate secretarial staff, as the executive director considers necessary. The employees shall be classified civil servants.~~

~~—— (2) The commission shall enter into a contract with a geodetic advisor qualified to perform the duties described in section~~

~~6(c).~~ **THE EMPLOYEE IN DIRECT CHARGE OF THE STATE SURVEY AND REMONUMENTATION SECTION IN THE DEPARTMENT THAT PERFORMS SERVICES FOR THE DIRECTOR OF THE DEPARTMENT UNDER THIS ACT MUST BE A SURVEYOR.**

Sec. 8. (1) Each county shall establish a county monumentation and remonumentation plan **AND PERPETUAL MONUMENT MAINTENANCE PLAN.**

~~Not later than 1 year after January 1, 1991, THE DEPARTMENT, IN CONSULTATION WITH the commission, shall create and distribute a model county plan that may be adopted by a county with any changes appropriate for that county. Not later than January 1, 1994, each county shall have submitted a county plan that is approved by the commission.~~ **BY THE SECOND MARCH 1 AFTER THE DEPARTMENT PROMULGATES RULES UNDER SECTION 17(3), EACH COUNTY SHALL SUBMIT TO THE DEPARTMENT FOR APPROVAL IN CONSULTATION WITH THE COMMISSION A COUNTY PLAN OR, IF THE COUNTY HAS PREVIOUSLY SUBMITTED A COUNTY PLAN, A REVISED COUNTY PLAN THAT COMPLIES WITH THE AMENDMENTS TO THIS ACT ENACTED BY THE AMENDATORY ACT THAT ADDED SECTION 9A AND ANY RULES PROMULGATED AFTER THE EFFECTIVE DATE OF THAT AMENDATORY ACT AND BEFORE THE DATE THAT THE COUNTY PLAN OR REVISED COUNTY PLAN IS TO BE SUBMITTED.**

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

2 ~~—— (a) The monumentation or remonumentation of the entire county,~~
3 ~~within 20 years, under the guidelines of the manual of instructions~~
4 ~~for the survey of the public lands of the United States, 1973,~~
5 ~~prepared by the bureau of land management of the department of~~
6 ~~interior, technical bulletin 6, or subsequent editions.~~

7 (A) A MONUMENTATION AND REMONUMENTATION PLAN THAT PROVIDES FOR
8 THE REMONUMENTATION OF ALL OF THE ORIGINAL PUBLIC LAND SURVEY
9 CORNERS, AND ANY ASSOCIATED PROPERTY CONTROLLING CORNERS, AND THE
10 MONUMENTATION OR REMONUMENTATION OF ALL OF THE PROTRACTED PUBLIC
11 LAND SURVEY CORNERS, AND ANY ASSOCIATED PROPERTY CONTROLLING
12 CORNERS, IDENTIFIED IN THE COUNTY PLAN. THE MONUMENTATION OR
13 REMONUMENTATION OF THE COUNTY SHALL CONSIST OF:

14 (i) THE FILING OF A LAND CORNER RECORDATION CERTIFICATE
15 PURSUANT TO THE REQUIREMENTS OF THE CORNER RECORDATION ACT, 1970 PA
16 74, MCL 54.201 TO 54.210D, FOR EACH ORIGINAL PUBLIC LAND SURVEY
17 CORNER AND PROTRACTED PUBLIC LAND SURVEY CORNER IN THE COUNTY.

18 (ii) THE INCLUSION IN A CERTIFICATE FILED UNDER SUBPARAGRAPH (i)
19 OF ANY PROPERTY CONTROLLING CORNER ASSOCIATED WITH THE ORIGINAL
20 PUBLIC LAND SURVEY CORNER OR PROTRACTED PUBLIC LAND SURVEY CORNER
21 THAT IS THE SUBJECT OF THE CERTIFICATE.

22 (iii) THE FILING OF GEODETIC COORDINATES FOR EACH ORIGINAL
23 PUBLIC LAND SURVEY CORNER AND PROTRACTED PUBLIC LAND SURVEY CORNER
24 IN THE COUNTY.

25 (b) The ~~provision~~ **FILING** of copies of all ~~survey monumentation~~
26 ~~information~~ **RECORDED LAND CORNER RECORDATION CERTIFICATES** produced
27 ~~by~~ **PURSUANT TO** the county plan ~~to the county surveyor and the~~

1 ~~commission.~~ **WITH THE DEPARTMENT.**

2 ~~—— (c) The filing with the county surveyor and the commission of~~
 3 ~~copies of all monumentation or remonumentation documents required~~
 4 ~~to be recorded with the register of deeds under the corner~~
 5 ~~recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or recorded~~
 6 ~~with the register of deeds under 1970 PA 132, MCL 54.211 to 54.213.~~

7 **(C) THE EXCLUSION OR ADDITION BY THE COUNTY OF ORIGINAL PUBLIC**
 8 **LAND SURVEY CORNERS OR PROTRACTED PUBLIC LAND SURVEY CORNERS, WITH**
 9 **THE APPROVAL OF THE DEPARTMENT, ACTING IN CONSULTATION WITH THE**
 10 **COMMISSION.**

11 ~~(d) A perpetual monument maintenance plan that provides for~~
 12 ~~all corners to be checked, and if necessary remonumented, at least~~
 13 ~~once every 20 years.~~ **ORIGINAL PUBLIC LAND SURVEY CORNERS OR**
 14 **PROTRACTED PUBLIC LAND SURVEY CORNERS INCLUDED IN THE COUNTY PLAN,**
 15 **AND ASSOCIATED GEODETIC COORDINATES, TO BE MAINTAINED BY REQUIRING**
 16 **THE FILING OF A LAND CORNER RECORDATION CERTIFICATE AS REQUIRED BY**
 17 **THE CORNER RECORDATION ACT, 1970 PA 74, MCL 54.201 TO 54.210D, AS**
 18 **NECESSARY.**

19 **(E) A PEER REVIEW GROUP AS DESCRIBED IN SECTION 9B.**

20 **(F)** ~~(e)~~ Any other provisions reasonably required by the
 21 ~~commission.~~ **DEPARTMENT** for purposes of this act.

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

25 **(3)** ~~(4)~~ If a county fails to establish and submit a plan **OR**
 26 **REVISED PLAN** that is approved by the ~~commission~~ within the time
 27 ~~required.~~ **DEPARTMENT** under subsection (1), the ~~commission.~~ **DEPARTMENT**

1 shall initiate and contract for the implementation of a county plan
2 in that county ~~pursuant to~~ **AS PROVIDED IN** section 10.

3 ~~(4) (5) Upon~~ **SUBJECT TO SUBSECTION (5), AFTER** the
4 establishment and approval by the ~~commission~~ **DEPARTMENT** of a county
5 plan, a county may expend or borrow ~~funds~~ **MONEY** to expedite the
6 completion of its plan. If a county ~~or 2 or more counties elect~~
7 **ELECTS** to expend or borrow ~~funds~~ **MONEY** to expedite ~~their~~ **ITS** county
8 plan, the ~~commission~~ **DEPARTMENT** shall enter into a contract to
9 provide that the costs to expedite that plan ~~including the payment~~
10 ~~of the principal of and interest on the bonds issued under~~
11 ~~subsection (7)~~ are reimbursed or paid from the fund as provided in
12 section 12(2). ~~and (4).~~

13 **(5) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
14 **SECTION 9A, A COUNTY SHALL NOT EXPEDITE ITS COUNTY PLAN OR EXPEND**
15 **OR BORROW MONEY TO EXPEDITE ITS COUNTY PLAN. A COUNTY THAT, BEFORE**
16 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 9A,**
17 **EXPEDITED ITS COUNTY PLAN OR EXPENDED OR BORROWED MONEY TO EXPEDITE**
18 **ITS COUNTY PLAN SHALL EITHER HAVE ON FILE WITH THE DEPARTMENT A**
19 **CONTRACT ENTERED INTO UNDER SUBSECTION (4) OR EXECUTE A CONTRACT**
20 **UNDER SUBSECTION (4) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE**
21 **AMENDATORY ACT THAT ADDED SECTION 9A.**

22 ~~(6) A county or 2 or more counties that expended or borrowed~~
23 ~~money to expedite their~~ **ITS** county plan **IN ACCORDANCE WITH THIS**
24 **SECTION** after January 1, 1991 may recapture costs expended or
25 borrowed and used to expedite that plan. ~~, which shall be paid out~~
26 ~~of the fund as provided in section 12(2) and (4).~~ The ~~commission~~
27 **DEPARTMENT** shall pay those costs to the county **FROM THE FUND AS**

1 **PROVIDED IN SECTION 12(2)** over a period of not less than 10 years.

2 ~~—— (7) Upon the establishment and approval by the commission of a~~
 3 ~~county plan, a county or 2 or more counties seeking to expedite~~
 4 ~~their county plan may by resolution of the county board of~~
 5 ~~commissioners, and without the vote of its electors, issue bonds~~
 6 ~~payable primarily from the money received or to be received under~~
 7 ~~the contract provided for in subsection (5). These bonds may be~~
 8 ~~secured by a limited tax full faith and credit pledge of the county~~
 9 ~~or counties. The bonds shall be payable in annual installments, and~~
 10 ~~unless otherwise determined by the commission, the annual~~
 11 ~~installments are not to exceed the length of the contract that the~~
 12 ~~county or counties entered into with the commission under~~
 13 ~~subsection (5). The issuance of bonds under this section shall be~~
 14 ~~subject to the provisions of the revised municipal finance act,~~
 15 ~~2001 PA 34, MCL 141.2101 to 141.2821.~~

16 **(7) A COUNTY PLAN MAY PROVIDE FOR THE SUPPORT BY A COUNTY**
 17 **PROGRAM OF THE EXTENSION, DENSIFICATION, UPGRADE, AND MAINTENANCE**
 18 **OF ACTIVE AND PASSIVE GEODETIC CONTROL STATIONS.**

19 Sec. 9. The county surveyor in each county in this state shall
 20 ~~be the~~ **PERFORM THE DUTIES OF** county representative for all
 21 surveying projects approved ~~by or initiated through the commission.~~
 22 ~~In~~ **UNDER THIS ACT. IF** a county ~~that~~ does not have a county
 23 surveyor, **THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT** a
 24 licensed **PROFESSIONAL** surveyor ~~shall be appointed and shall TO~~
 25 perform the duties described in this section.

26 **SEC. 9A. A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A GRANT**
 27 **ADMINISTRATOR TO BE RESPONSIBLE FOR AND OVERSEE THE COUNTY'S**

1 OBLIGATIONS AND MONEY ASSOCIATED WITH THIS ACT.

2 SEC. 9B. A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A
3 COUNTY PEER REVIEW GROUP TO ACT AS A PANEL OF SURVEYORS TO REVIEW
4 AND PROVIDE ADVICE ON ORIGINAL PUBLIC LAND SURVEY CORNERS OR
5 PROTRACTED PUBLIC LAND SURVEY CORNERS PRESENTED BY SURVEYORS BEFORE
6 THE COUNTY ACCEPTS THE ORIGINAL PUBLIC LAND SURVEY CORNERS OR
7 PROTRACTED PUBLIC LAND SURVEY CORNERS FOR FILING UNDER ITS COUNTY
8 PLAN.

9 Sec. 10. (1) Any monumentation or remonumentation conducted by
10 ~~the commission~~ UNDER SECTION 8(3) shall be pursuant to CONDUCTED
11 UNDER A negotiated ~~contracts~~. CONTRACT. The ~~commission~~ DEPARTMENT
12 shall prepare specifications for each contract negotiated by the
13 ~~commission~~, DEPARTMENT and shall monitor the field work and notes
14 of ~~all~~ work done under each contract to ensure compliance with
15 those specifications.

16 (2) The ~~commission~~ DEPARTMENT shall pay the cost of any
17 contracts under this section from the fund.

18 Sec. 11. (1) The state survey and remonumentation fund is
19 created in the state treasury as a separate fund. The fund shall be
20 administered by the ~~commission~~ DEPARTMENT.

21 (2) Money deposited in the fund, and all interest and earnings
22 generated by the fund, ~~except as otherwise provided in this~~
23 ~~section~~, shall not lapse at the end of a fiscal year, but shall
24 remain in the fund to be expended as provided in this act. ~~For the~~
25 ~~fiscal year ending September 30, 2006 only, \$15,000,000.00 of the~~
26 ~~unreserved balance in the fund shall be deposited in the state~~
27 ~~general fund.~~

(3) The fund may accept ~~funds~~ **MONEY** received as gifts or donations, or ~~funds~~ **MONEY** received from individuals or corporations to be used for purposes of this act.

(4) The ~~commission~~ **DEPARTMENT** may direct the department of treasury to establish restricted subaccounts within the fund as necessary to administer the fund.

~~———— (5) In addition to any other appropriation, it is the intent of the legislature that this state appropriate an amount from the general fund to the fund equal to the difference between the amount deposited into the fund in the fiscal year and the following amounts for the following fiscal years:~~

~~———— (a) \$10,134,000.00 in the 2005-2006 fiscal year.~~

~~———— (b) \$11,134,000.00 in the 2006-2007 and the 2007-2008 fiscal years.~~

~~———— (6) Subsection (5) only applies if the amount deposited into the fund is less than \$10,134,000.00 in the 2005-2006 fiscal year and \$11,134,000.00 in the 2006-2007 and the 2007-2008 fiscal years.~~

Sec. 12. (1) Money in the fund shall be used by the ~~commission~~ **DEPARTMENT** for the following purposes:

(a) Annual grants to the various counties to implement their county ~~county~~ **MONUMENTATION AND REMONUMENTATION** plans ~~, excluding the perpetual monument maintenance plan described in section 8(2)(d).~~ **8(2)(A) .**

~~———— (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).~~

~~(B) (c)~~ The implementation of county plans that are initiated

1 and contracted for by the ~~commission pursuant to~~ **DEPARTMENT UNDER**
 2 section ~~8(4)-8(3)~~.

3 (C) ~~(d) An annual grant to each county that has a county plan~~
 4 ~~or to 2 or more~~ **ANNUAL GRANTS TO** counties ~~that have a multicounty~~
 5 ~~plan to implement the~~ **THEIR** perpetual monument maintenance plan
 6 described in section 8(2) (d). ~~The commission shall make not less~~
 7 ~~than 5% of the total amount of the fund available for grants under~~
 8 ~~this subdivision.~~

9 (D) ~~(e)~~ The payment of contracts that are entered into by the
 10 ~~commission~~ **DEPARTMENT** under section 10.

11 (E) ~~(f)~~ Other activities necessary, incidental, or appropriate
 12 to implement this act.

13 (2) In addition to the purposes described in subsection (1),
 14 money in the fund shall be used to pay the costs of expediting a
 15 plan or to reimburse the cost described in section ~~8(6) and (7),~~
 16 **8(4)**, for a county ~~or 2 or more counties that have~~ **HAS** elected to
 17 expend or borrow ~~funds~~ **MONEY** to expedite the implementation of the
 18 county's ~~or counties'~~ plan.

19 (3) Of the money collected and remitted to the state treasurer
 20 for deposit in the fund ~~pursuant to~~ **UNDER** section 2567a of the
 21 revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, ~~both~~
 22 **ALL** of the following ~~shall~~ apply:

23 (a) An annual grant to a county ~~pursuant to~~ **UNDER** subsection
 24 (1) (a) ~~or to 2 or more counties pursuant to subsection (1) (b)~~ shall
 25 **MUST** be in an amount that is not less than 40% of the amount of
 26 money collected in that county ~~or those counties, as applicable,~~
 27 under section 2567a of the revised judicature act of 1961, 1961 PA

236, MCL 600.2567a, during the ~~calendar~~ **STATE FISCAL** year
~~immediately preceding~~ **THAT BEGAN 2 YEARS BEFORE** the **BEGINNING OF**
THE STATE FISCAL year in which the grant is made.

(b) If the ~~commission~~ **DEPARTMENT** initiates and contracts for
the implementation of a county plan for a county ~~pursuant to~~ **UNDER**
section ~~8(4), 8(3)~~, the ~~commission~~ **DEPARTMENT** 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~~ **STATE FISCAL** year ~~immediately preceding~~ **THAT BEGAN 2 YEARS**
BEFORE the **BEGINNING OF THE STATE FISCAL** 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.~~

(C) **AN ANNUAL GRANT TO A COUNTY UNDER SUBSECTION (1) (C) MUST**
BE IN AN AMOUNT THAT IS NOT LESS THAN 20% 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
STATE FISCAL YEAR THAT BEGAN 2 YEARS BEFORE THE BEGINNING OF THE

1 STATE FISCAL YEAR IN WHICH THE GRANT IS MADE.

2 (D) IF THE DEPARTMENT INITIATES AND CONTRACTS FOR THE
3 IMPLEMENTATION OF A COUNTY PLAN FOR A COUNTY UNDER SECTION 8(3),
4 THE DEPARTMENT SHALL ANNUALLY SPEND AN AMOUNT THAT IS NOT LESS THAN
5 20% OF THE AMOUNT OF MONEY COLLECTED IN THAT COUNTY UNDER SECTION
6 2567A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
7 600.2567A, DURING THE STATE FISCAL YEAR THAT BEGAN 2 YEARS BEFORE
8 THE BEGINNING OF THE STATE FISCAL YEAR IN WHICH THE EXPENDITURE IS
9 MADE, FOR PURPOSES DESCRIBED IN SECTION 8(2)(D).

10 (4) ~~(5)~~—In addition to the purposes described in subsections
11 (1) and (2), any amount of money not greater than \$500,000.00 that
12 is appropriated by the legislature to pay the costs of the
13 monumentation of the Michigan-Indiana state boundary line pursuant
14 to the Michigan and Indiana state line monument ~~monument~~ **MONUMENTATION** act,
15 2010 PA 259, MCL 54.291 TO 54.305, shall be used by the department
16 ~~of energy, labor, and economic growth~~ only for that purpose.

17 Sec. 13. An application for an annual grant authorized
18 ~~pursuant to~~ **UNDER** this act shall ~~shall~~ **MUST** be made on a form prescribed
19 and furnished by the ~~commission~~ **DEPARTMENT**. The ~~commission~~
20 **DEPARTMENT** may require the applicant to provide any information
21 reasonably necessary to allow the ~~commission~~ **DEPARTMENT** to make a
22 determination required by this act.

23 Sec. 14. (1) The ~~commission~~ **DEPARTMENT** shall not make a grant
24 ~~pursuant to~~ **UNDER** section 12(1)(a) ~~or (b)~~ unless all of the
25 following conditions are met:

26 (a) The applicant files an application for the grant on or
27 before December 31 of the calendar year immediately preceding the

1 year in which the grant is made.

2 ~~—— (b) The applicant has established a county plan or a~~
 3 ~~multicounty plan that has been approved by the commission on or~~
 4 ~~before December 31 of the calendar year immediately preceding the~~
 5 ~~year in which the grant is made.~~

6 (B) ~~(c)~~ The applicant demonstrates to the ~~commission~~
 7 **DEPARTMENT** the capability to carry out the county plan. ~~or~~
 8 ~~multicounty plan.~~

9 (C) ~~(d)~~ The applicant demonstrates to the ~~commission~~
 10 **DEPARTMENT** that it has not completed ~~the ITS~~ monumentation ~~or AND~~
 11 ~~remonumentation of the county, or of the several counties in a~~
 12 ~~multicounty plan~~ **DESCRIBED IN SECTION 8(2)(A) .**

13 (2) The ~~commission~~ **DEPARTMENT** shall ~~not~~ make a grant pursuant
 14 ~~to UNDER~~ section ~~12(1)(d) unless 12(1)(C) IF~~ the applicant
 15 demonstrates to the ~~commission~~ **DEPARTMENT** that it has completed the
 16 ~~ITS~~ monumentation ~~or AND~~ ~~remonumentation of the county, or of the~~
 17 ~~several counties in a multicounty plan~~ **DESCRIBED IN SECTION 8(2)(A)**
 18 **OR IF THE APPLICANT VOLUNTARILY CHOOSES TO PROCEED TO THE PROGRAM**
 19 **DESCRIBED IN SECTION 8(2)(D) .**

20 Sec. 15. (1) A recipient of a grant made ~~pursuant to~~ **UNDER**
 21 section 12(1)(a), (b), or (d) shall obtain authorization from the
 22 ~~commission~~ **DEPARTMENT** before implementing a change that
 23 significantly alters the approved ~~county plan or multicounty~~
 24 ~~plan.~~ **GRANT.**

25 (2) The ~~commission~~ **DEPARTMENT** may revoke a grant made by it
 26 ~~pursuant to~~ **UNDER** this act or withhold payment if the recipient of
 27 the grant fails to comply with the terms and conditions of the

1 grant, or with requirements of this act or the rules promulgated
2 ~~pursuant to~~ **UNDER** this act.

3 (3) The ~~commission~~ **DEPARTMENT** may withhold a grant until the
4 ~~commission~~ **DEPARTMENT** determines that the recipient is able to
5 proceed with the implementation of the **APPLICANT'S** county plan. ~~or~~
6 ~~multicounty plan.~~

7 Sec. 16. (1) The ~~commission~~ **DEPARTMENT**, upon request, shall
8 provide copies or certified copies of records in its possession to
9 the public, other state agencies or officers, or local governmental
10 agencies. The ~~commission~~ **DEPARTMENT** may charge a reasonable fee for
11 providing the records.

12 (2) A certified copy of a record provided by the ~~commission~~
13 **DEPARTMENT** is admissible in court as evidence, without further
14 identification, if the substance of the record is properly
15 admissible in the proceeding.

16 Sec. 17. (1) The department ~~of commerce~~ shall promulgate rules
17 pursuant to the administrative procedures act of 1969, ~~Act No. 306~~
18 ~~of the Public Acts of 1969, being sections 1969 PA 306, MCL 24.201~~
19 ~~to 24.328, of the Michigan Compiled Laws,~~ to implement this act.

20 (2) In ~~doing so,~~ **PROMULGATING RULES UNDER THIS SECTION, OR IN**
21 **ADOPTING A GUIDELINE RELATED TO THE ADMINISTRATION OF THIS ACT,** the
22 department shall **CONSULT WITH AND** consider recommendations provided
23 to ~~them~~ **IT** by the commission.

24 (3) **AFTER THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS**
25 **SUBSECTION, THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS**
26 **ACT AS AMENDED BY THAT AMENDATORY ACT. BEFORE THE PROMULGATION OF**
27 **RULES UNDER THIS SUBSECTION, THE DEPARTMENT MAY CONTINUE TO**

1 ADMINISTER THIS ACT UNDER PREVIOUSLY PROMULGATED RULES TO THE
2 EXTENT THAT THE RULES DO NOT CONFLICT WITH THIS ACT AS AMENDED BY
3 THAT AMENDATORY ACT.

4 SEC. 17A. IF A COUNTY IS AGGRIEVED BY A DECISION OF THE
5 DEPARTMENT THAT AFFECTS THE COUNTY MADE UNDER THIS ACT OR THE RULES
6 PROMULGATED UNDER THIS ACT, THE COUNTY MAY CONTEST THE DECISION OF
7 THE DEPARTMENT AS A CONTESTED CASE UNDER THE ADMINISTRATIVE
8 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.