

SENATE BILL No. 380

April 27, 1989, Introduced by Senators EHLERS, CROPSEY, DINGELL, GEO. HART and CHERRY and referred to the Committee on Local Government and Veterans.

A bill 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 with national geodetic surveys for the services of a state geodetic advisor; and to coordinate and implement the monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "state survey and remonumentation act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the state survey and remonumentation
5 commission created in section 3.

1 (b) "County plan" means a county monumentation and
2 remonumentation plan under section 8.

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

5 (d) "Fund" means the survey and remonumentation fund.

6 (e) "Property controlling corner" for a property means a
7 public land survey corner or any property corner which does not
8 lie on a property line of the property in question but which con-
9 trols the location of 1 or more of the property corners of the
10 property in question.

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

13 (2) The commission shall consist of 5 members, who shall be
14 appointed by the governor, with the advice and consent of the
15 senate, as follows:

16 (a) One member shall represent the general public.

17 (b) The remaining 4 members shall be land surveyors licensed
18 pursuant to article 20 of the occupational code, Act No. 299 of
19 the Public Acts of 1980, being sections 339.2001 to 339.2014 of
20 the Michigan Compiled Laws, 1 of whom also shall be serving as a
21 county surveyor for a county in this state. The 4 members
22 appointed under this subdivision shall be residents of the fol-
23 lowing areas of this state:

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

1 north, and 1 shall be a resident of the area of the Lower
2 Peninsula of Michigan that is south of the survey township line
3 lying between survey township 16 north and survey township 17
4 north.

5 (ii) One shall be a member at large, and shall be a resident
6 of any area of this state.

7 (3) Of the 5 members first appointed to the commission, 1
8 shall be appointed for a term of 1 year, 1 for a term of 2 years,
9 1 for a term of 3 years, and 2 for terms of 4 years each. At the
10 expiration of the term of each member, the governor shall appoint
11 a successor, who shall hold office for a term of 4 years and
12 until his or her successor has been appointed and qualified. A
13 vacancy in the office of a member of the commission shall be
14 filled by appointment by the governor, with the advice and con-
15 sent of the senate, for the unexpired term.

16 (4) Members of the commission shall serve without compensa-
17 tion, but shall be reimbursed for actual and necessary per diem
18 expenses in accordance with standards established annually by the
19 legislature for similar boards or commissions that are reimbursed
20 from the general fund.

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

1 Sec. 5. (1) The business that the commission performs shall
2 be conducted at a public meeting of the commission held in
3 compliance with the open meetings act, Act No. 267 of the Public
4 Acts of 1976, being sections 15.261 to 15.275 of the Michigan
5 Compiled Laws. Public notice of the time, date, and place of the
6 meeting shall be given in the manner required by Act No. 267 of
7 the Public Acts of 1976.

8 (2) A writing prepared, owned, used, in the possession of,
9 or retained by the commission in the performance of an official
10 function shall be made available to the public in compliance with
11 the freedom of information act, Act No. 442 of the Public Acts of
12 1976, being sections 15.231 to 15.246 of the Michigan Compiled
13 Laws.

14 Sec. 6. The commission shall do all of the following:

15 (a) Coordinate the restoration, maintenance, and the preser-
16 vation of the land survey records of vertical and horizontal mon-
17 uments, the public land survey system, and the property control-
18 ling corners established by the United States public land survey
19 and by the national geodetic survey within this state, including,
20 but not necessarily limited to, all pertinent field notes, plats,
21 and documents; and coordinate the restoration, establishment,
22 maintenance, and preservation of other boundary records otherwise
23 established by law, or considered by the commission to be of
24 importance.

25 (b) Establish, maintain, and provide safe storage facilities
26 for a comprehensive system of recordation and dissemination of
27 land information records.

1 (c) Coordinate the extension, densification, and maintenance
2 of the horizontal and vertical control networks initiated by the
3 federal government through the national geodetic survey and the
4 United States geological survey.

5 (d) Coordinate the collection and preservation of informa-
6 tion obtained from surveys made by persons or organizations
7 authorized to establish monuments or land boundaries, and to
8 assist in proper recording of monuments or land boundaries by
9 county surveyors or registers of deeds.

10 (e) Furnish, upon reasonable request and tender of the
11 required fees, certified copies of records on file with the
12 commission.

13 (f) Foster, encourage, and promote the establishment of
14 remonumentation programs in every county in the state.

15 (g) Establish and maintain a data base of information on
16 approved monumented horizontal and vertical control in the
17 state.

18 Sec. 7. (1) The commission shall appoint an executive
19 director. The executive director, under the direction of the
20 commission, shall carry out the routine duties of the commission,
21 as delegated to the executive director by the commission. The
22 executive director shall retain employees, including at least 1
23 licensed surveyor and adequate secretarial staff, as the execu-
24 tive director considers necessary. The employees shall be clas-
25 sified civil servants.

1 (2) The commission shall enter into an agreement with a
2 geodetic advisor qualified to perform the duties described in
3 section 6(c).

4 Sec. 8. (1) Each county shall establish a county monumenta-
5 tion and remonumentation plan. Not later than 1 year after the
6 effective date of this act, the commission shall create and dis-
7 tribute a model county plan, which may be adopted by a county
8 with any changes appropriate for that county. Not later than
9 3 years after the effective date of this act, each county shall
10 have submitted a county plan that is approved by the commission.

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

12 (a) The monumentation or remonumentation of the entire
13 county, within 20 years, under the guidelines of the manual of
14 instructions for the survey of the public lands of the United
15 States, 1973, prepared by the bureau of land management of the
16 department of interior, technical bulletin 6, or subsequent
17 editions.

18 (b) The provision of copies of all survey monumentation
19 information produced by the county plan to the county surveyor
20 and the commission.

21 (c) The filing with the county surveyor and the commission
22 of copies of all monumentation or remonumentation documents
23 required to be recorded with the register of deeds pursuant to
24 the corner recordation act, Act No. 74 of the Public Acts of
25 1970, being sections 54.201 to 54.210d of the Michigan Compiled
26 Laws, or recorded with the register of deeds pursuant to Act

1 No. 132 of the Public Acts of 1979, being sections 54.211 to
2 54.213 of the Michigan Compiled Laws.

3 (d) A perpetual monument maintenance plan that provides for
4 all corners to be checked, and if necessary remonumented, at
5 least once every 20 years.

6 (e) Any other provisions reasonably required by the commis-
7 sion for purposes of this act.

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

11 (4) If a county fails to establish and submit a plan that is
12 approved by the commission within the time required under subsec-
13 tion (1), the commission shall initiate and contract for the
14 implementation of a county plan in that county.

15 Sec. 9. The county surveyor in each county in this state
16 shall be the county representative for all surveying projects
17 approved by or initiated through the commission. In a county
18 that does not have a county surveyor, a licensed surveyor shall
19 be appointed to perform the duties described in this section.

20 Sec. 10. (1) Any monumentation or remonumentation conducted
21 by the commission shall be pursuant to negotiated contracts. The
22 commission shall prepare specifications for each contract negoti-
23 ated by the commission, and shall monitor the field work and
24 notes of all work done under each contract to ensure compliance
25 with those specifications.

26 (2) The commission shall pay the cost of any contracts under
27 this section from the fund.

1 Sec. 11. (1) The commission, upon request, shall provide
2 copies or certified copies of records in its possession to the
3 public, other state agencies or officers, or local governmental
4 agencies. The commission may charge a reasonable fee for provid-
5 ing the records.

6 (2) A certified copy of a record provided by the commission
7 is admissible in court as evidence, without further identifica-
8 tion, if the substance of the record is properly admissible in
9 the proceeding.

10 Sec. 12. The department of commerce shall promulgate rules
11 pursuant to the administrative procedures act of 1969, Act
12 No. 306 of the Public Acts of 1969, being sections 24.201 to
13 24.328 of the Michigan Compiled Laws, to implement this act. In
14 doing so, the department shall consider recommendations provided
15 to them by the commission.

16 Sec. 13. This act shall not take effect unless Senate Bill
17 No. 381 of the
18 85th Legislature is enacted into law.