

SENATE BILL No. 1219

March 10, 2010, Introduced by Senators KUIPERS and JACOBS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 8 and 12 (MCL 54.268 and 54.272), as amended by 2002 PA 489.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Each county shall establish a county monumentation
2 and remonumentation plan. ~~Not later than 1 year after January 1,~~
3 ~~1991, the commission shall create and distribute a model county~~
4 ~~plan that may be adopted by a county with any changes appropriate~~
5 ~~for that county.~~ Not later than January 1, 1994, each county shall
6 have submitted a county plan that is approved by the commission.

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

8 (a) The monumentation or remonumentation of the entire county,

1 within 20 years, **UNLESS THAT TIME PERIOD IS EXTENDED UNDER**
2 **SUBSECTION (8)**, under the guidelines of the manual of instructions
3 for the survey of the public lands of the United States, 1973,
4 prepared by the bureau of land management of the department of
5 interior, technical bulletin 6, or subsequent editions.

6 (b) The provision of copies of all survey monumentation
7 information produced by the county plan to the county surveyor and
8 the commission.

9 (c) The filing with the county surveyor and the commission of
10 copies of all monumentation or remonumentation documents required
11 to be recorded with the register of deeds under the corner
12 recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or recorded
13 with the register of deeds under 1970 PA 132, MCL 54.211 to 54.213.

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

17 (e) Any other provisions reasonably required by the commission
18 for purposes of this act.

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

22 (4) If a county fails to establish and submit a plan that is
23 approved by the commission within the time required under
24 subsection (1), the commission shall initiate and contract for the
25 implementation of a county plan in that county pursuant to section
26 10.

27 (5) Upon the establishment and approval by the commission of a

1 county plan, a county may expend or borrow funds to expedite the
2 completion of its plan. If a county or 2 or more counties elect to
3 expend or borrow funds to expedite their county plan, the
4 commission shall enter into a contract to provide that the costs to
5 expedite that plan including the payment of the principal of and
6 interest on the bonds issued under subsection (7) are reimbursed or
7 paid from the fund as provided in section 12(2) and (4).

8 (6) A county or 2 or more counties that expended or borrowed
9 money to expedite their county plan after January 1, 1991 may
10 recapture costs expended or borrowed and used to expedite that
11 plan, which shall be paid out of the fund as provided in section
12 12(2) and (4). The commission shall pay those costs to the county
13 over a period of not ~~less~~**MORE** than 10 years.

14 (7) Upon the establishment and approval by the commission of a
15 county plan, a county or 2 or more counties seeking to expedite
16 their county plan may by resolution of the county board of
17 commissioners, and without the vote of its electors, issue bonds
18 payable primarily from the money received or to be received under
19 the contract provided for in subsection (5). These bonds may be
20 secured by a limited tax full faith and credit pledge of the county
21 or counties. The bonds shall be payable in annual installments, and
22 unless otherwise determined by the commission, the annual
23 installments are not to exceed the length of the contract that the
24 county or counties entered into with the commission under
25 subsection (5). The issuance of bonds under this section shall be
26 subject to the provisions of the revised municipal finance act,
27 2001 PA 34, MCL 141.2101 to 141.2821.

1 (8) A COUNTY THAT SUBMITTED A PLAN PROVIDING FOR THE
2 MONUMENTATION OR REMONUMENTATION OF THE COUNTY WITHIN 20 YEARS MAY
3 REQUEST THAT THE COMMISSION APPROVE A MODIFICATION TO THE PLAN THAT
4 EXTENDS THAT TIME PERIOD BY NOT MORE THAN AN ADDITIONAL 20 YEARS.
5 THE COMMISSION SHALL GRANT THE REQUEST UNLESS IT FINDS THAT THE
6 COUNTY HAS NOT MADE A GOOD FAITH EFFORT TO CARRY OUT ITS PLAN AS
7 ORIGINALLY SUBMITTED.

8 Sec. 12. (1) Money in the fund shall be used by the commission
9 for the following purposes:

10 (a) Annual grants to the various counties to implement their
11 county plans, excluding the perpetual monument maintenance plan
12 described in section 8(2)(d).

13 (b) Annual grants to 2 or more counties to implement their
14 multicounty plan, excluding the perpetual monument maintenance plan
15 described in section 8(2)(d).

16 (c) The implementation of county plans that are initiated and
17 contracted for by the commission pursuant to section 8(4).

18 (d) An annual grant to each county that has a county plan or
19 to 2 or more counties that have a multicounty plan to implement the
20 perpetual monument maintenance plan described in section 8(2)(d).
21 The commission shall make not less than 5% of the total amount of
22 the fund available for grants under this subdivision.

23 (e) The payment of contracts that are entered into by the
24 commission under section 10.

25 (f) Other activities necessary, incidental, or appropriate to
26 implement this act.

27 (2) In addition to the purposes described in subsection (1),

1 money in the fund shall be used to pay the costs of expediting a
2 plan or to reimburse the cost described in section 8(6) and (7),
3 for a county or 2 or more counties that have elected to expend or
4 borrow funds to expedite the implementation of the county's or
5 counties' plan.

6 (3) Of the money collected and remitted to the state treasurer
7 for deposit in the fund pursuant to section 2567a of the revised
8 judicature act of 1961, 1961 PA 236, MCL 600.2567a, both of the
9 following shall apply:

10 (a) An annual grant to a county pursuant to subsection (1)(a)
11 or to 2 or more counties pursuant to subsection (1)(b) shall be in
12 an amount that is not less than 40% of the amount of money
13 collected in that county or those counties, as applicable, under
14 section 2567a of the revised judicature act of 1961, 1961 PA 236,
15 MCL 600.2567a, during the calendar year immediately preceding the
16 year in which the grant is made.

17 (b) If the commission initiates and contracts for the
18 implementation of a county plan for a county pursuant to section
19 8(4), the commission shall annually spend an amount that is not
20 less than 40% of the amount of money collected in that county under
21 section 2567a of the revised judicature act of 1961, 1961 PA 236,
22 MCL 600.2567a, during the calendar year immediately preceding the
23 year in which the expenditure is made, to implement that county
24 plan.

25 (4) If the commission contracts with a county or 2 or more
26 counties that elect to expend or borrow funds to expedite the
27 implementation of the county's or counties' plan under section

1 6(2), the commission shall annually pay to that county or counties
2 in lieu of any grant or payments under subsection (3) ~~an amount~~
3 ~~that is not less than 40% of the amount of money collected in that~~
4 ~~county or counties under section 2567a of the revised judicature~~
5 ~~act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year~~
6 ~~and will be paid in annual installments OF \$250,000.00~~ until the
7 contract is paid in full. **THE ANNUAL INSTALLMENTS REQUIRED UNDER**
8 **THIS SUBSECTION SHALL BE PAID FROM THE FUND EACH YEAR BEFORE ANNUAL**
9 **GRANTS OR PAYMENTS ARE MADE UNDER SUBSECTION (3).**

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 1218

12 of the 95th Legislature is enacted into law.