

# SENATE BILL No. 472

September 10, 2013, Introduced by Senators WALKER, KAHN, KOWALL, BOOHER, JONES, PROOS, GREEN, HANSEN, CASPERSON, PAPPAGEORGE and EMMONS and referred to the Committee on Local Government and Elections.

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, 15, and 17 (MCL 54.262, 54.263, 54.264, 54.266, 54.267, 54.268, 54.269, 54.270, 54.271, 54.272, 54.275, 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 and 9b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

TITLE

An act to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of ~~an executive director~~; **A PROGRAM MANAGER**; to provide for a contract for the services of a state geodetic advisor; to

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1 create the state survey and remonumentation fund and to provide for  
 2 its use; to coordinate and implement the monumentation and  
 3 remonumentation of property controlling corners in this state and  
 4 coordinate the establishment of geographic information systems; and  
 5 to provide for ~~certain~~ powers and duties of certain state and local  
 6 officers and agencies.

7 Sec. 2. As used in this act:

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

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

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

15 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF LICENSING AND  
 16 REGULATORY AFFAIRS.

17 (d) "Fund" means the state survey and remonumentation fund  
 18 created in section 11.

19 (E) "GOVERNMENT CORNER" MEANS ANY OF THE FOLLOWING:

20 (i) A PUBLIC LAND SURVEY SECTION CORNER, QUARTER CORNER OR  
 21 QUARTER POST, OR MEANDER CORNER THAT WAS MONUMENTED ON THE GROUND  
 22 AND ESTABLISHED IN THE FIELD NOTES OF THE ORIGINAL FEDERAL  
 23 GOVERNMENT SURVEY OR A SUBSEQUENT FEDERAL SUPPLEMENTAL SURVEY.

24 (ii) A CORNER OF A MILITARY RESERVATION, INDIAN RESERVATION, OR  
 25 FEDERALLY RECOGNIZED PRIVATE CLAIM AS SHOWN ON THE GENERAL LAND  
 26 OFFICE PLATS.

27 (iii) THE TERMINUS OF A SECTION LINE WHERE IT INTERSECTS A

1 MILITARY RESERVATION, INDIAN RESERVATION, OR FEDERALLY RECOGNIZED  
2 PRIVATE CLAIM AS SHOWN ON THE GENERAL LAND OFFICE PLATS.

3 (iv) A CORNER OF A TRACT OR SUBDIVISION OF A TRACT SURVEYED  
4 UNDER CONTRACT WITH THE FEDERAL GOVERNMENT BEFORE THE GENERAL LAND  
5 OFFICE RECTANGULAR SURVEYS.

6 (F) "GRANT ADMINISTRATOR" MEANS AN INDIVIDUAL APPOINTED UNDER  
7 SECTION 9A.

8 (G) "PROGRAM MANAGER" MEANS THE EMPLOYEE IN CHARGE OF THE  
9 STATE SURVEY AND REMONUMENTATION SECTION IN THE DEPARTMENT AS  
10 DESCRIBED IN SECTION 7.

11 (H) ~~(e)~~ "Property controlling corner" for a property means a  
12 ~~public land survey corner or any property corner that does not lie~~  
13 ~~on a property line of the property in question but that controls~~  
14 ~~the location of 1 or more of the property corners of the property~~  
15 ~~in question.~~ ANY OF THE FOLLOWING:

16 (i) A POSITION MISIDENTIFIED AND USED AS A GOVERNMENT CORNER OR  
17 A PROTRACTED POSITION THAT SERVES TO CONTROL PROPERTY LINES.

18 (ii) A MONUMENTED POSITION THAT IS NOT A GOVERNMENT CORNER,  
19 LYING ON A SECTION LINE OR QUARTER LINE NEAR A BODY OF WATER, THAT  
20 SERVES TO DEFINE THE SECTION LINE OR QUARTER LINE IN LIEU OF A  
21 SUBMERGED GOVERNMENT POSITION OR AN OMITTED MEANDER POSITION.

22 (iii) ANY OTHER CORNER APPROVED BY THE COMMISSION.

23 (I) "PROTRACTED POSITION" MEANS A CLOSING QUARTER SECTION  
24 POSITION ALONG A TOWNSHIP OR RANGE LINE OR A CENTER QUARTER SECTION  
25 POSITION THAT WAS NOT ACTUALLY MONUMENTED ON THE GROUND IN THE  
26 FIELD NOTES OF THE ORIGINAL FEDERAL GOVERNMENT SURVEY, BUT THAT  
27 SERVES TO COMPLETE THE NOMINAL HALF-MILE GRID OF GOVERNMENT

1 **CORNERS.**

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

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

7 (a) One member shall **BE APPOINTED TO** represent the general  
8 public.

9 (b) The remaining 4 members ~~shall~~ **MUST** be ~~land~~ **PROFESSIONAL**  
10 surveyors licensed ~~pursuant to~~ **UNDER** article 20 of the occupational  
11 code, ~~Act No. 299 of the Public Acts of 1980, being sections 1980~~  
12 **PA 299, MCL 339.2001 to 339.2014, of the Michigan Compiled Laws, 1**  
13 of whom **MUST** also ~~shall~~ be serving as a county surveyor for a  
14 county in this state. The 4 members appointed under this  
15 subdivision ~~shall~~ **MUST** be residents of the following areas of this  
16 state:

17 (i) One ~~shall~~ **MUST** be a resident of the Upper Peninsula, ~~of~~  
18 ~~Michigan,~~ 1 ~~shall~~ **MUST** be a resident of the area of the Lower  
19 Peninsula ~~of Michigan~~ that is north of the survey township line  
20 lying between survey township 16 north and survey township 17  
21 north, and 1 ~~shall~~ **MUST** be a resident of the area of the Lower  
22 Peninsula ~~of Michigan~~ that is south of the survey township line  
23 lying between survey township 16 north and survey township 17  
24 north.

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

27 (3) ~~Of the 5 members first appointed to the commission, 1~~

1 ~~shall be appointed for a term of 1 year, 1 for a term of 2 years, 1~~  
2 ~~for a term of 3 years, and 2 for terms of 4 years each.~~ At the  
3 expiration of the term of ~~each~~ **A** member, the governor shall appoint  
4 a successor, who shall hold office for a term of 4 years and until  
5 his or her successor has been appointed and qualified. ~~A-IF THERE~~  
6 **IS A** vacancy in the office of a member of the commission, **THE**  
7 **GOVERNOR** shall ~~be filled by appointment by the governor,~~ **APPOINT A**  
8 **SUCCESSOR**, with the advice and consent of the senate, for the  
9 unexpired term.

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

15 Sec. 4. At the commission's first meeting, 1 member of the  
16 commission shall be selected by a majority of the commission  
17 members to be chairperson. The commission shall meet at least ~~4-2~~  
18 times each year, at a time and place agreed upon by the commission.  
19 The chairperson may call special meetings at a time and place  
20 determined by the chairperson.

21 Sec. 6. (1) The commission shall do all of the following:

22 (a) Coordinate **AND PROVIDE FOR THE FUNDING OF** the restoration,  
23 maintenance, and the preservation of the land survey records of  
24 vertical and horizontal monuments, the public land survey system,  
25 and the property controlling corners established by the United  
26 States public land survey and by the national geodetic survey  
27 within this state, including, but not ~~necessarily~~ limited to, all

1 pertinent field notes, plats, and documents; and coordinate the  
2 restoration, establishment, maintenance, and preservation of other  
3 boundary records otherwise established by law, or considered by the  
4 commission to be of importance.

5 (b) Establish, maintain, and provide **FOR THE FUNDING OF** safe  
6 storage facilities for a comprehensive system of recordation and  
7 dissemination of land information records.

8 (c) Coordinate **AND PROVIDE FOR THE FUNDING OF** the extension,  
9 densification, and maintenance of the horizontal and vertical  
10 control networks initiated by the federal government through the  
11 national geodetic survey and the United States geological survey. **IF**  
12 **PROVIDED FOR IN THE COUNTY PLAN, A COUNTY MAY PROVIDE SUPPORT FOR**  
13 **THE EXTENSION, DENSIFICATION, UPGRADE, AND MAINTENANCE OF THE**  
14 **CONTINUOUSLY OPERATING REFERENCE STATIONS.**

15 (d) Coordinate **AND PROVIDE FOR THE FUNDING OF** the collection  
16 and preservation of information obtained from surveys made by  
17 persons or organizations authorized to establish monuments or land  
18 boundaries, and to assist in proper recording of monuments or land  
19 boundaries by county surveyors or registers of deeds.

20 (e) Foster, encourage, and promote the establishment of  
21 remonumentation programs in every county in this state.

22 (f) Establish and maintain a data base of information on  
23 approved monumented horizontal and vertical control in this state.

24 (g) ~~On or before~~ **BY** October 1, ~~1993,~~ and biennially after  
25 ~~October 1, 1993,~~ **IN EACH ODD-NUMBERED YEAR,** submit a report to the  
26 legislature. The report shall include, but not be limited to, all  
27 of the following:

1 (i) A summary of the commission's activities regarding  
2 administration of this act.

3 (ii) An assessment of the progress of the implementation of  
4 county monumentation and remonumentation plans throughout this  
5 state.

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

8 (iv) An assessment of how much money is necessary to carry out  
9 monumentation or remonumentation of the entire state.

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

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

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

17 ~~(H) (i) Establish and administer a grant program to counties~~  
18 ~~to implement this act.~~

19 (2) If a county or 2 or more counties elect to expedite the  
20 county's or counties' plan as provided in section 8(5), the  
21 commission shall enter into a contract described in section 8(5) to  
22 pay or reimburse the costs of expediting the plan. The amount  
23 expended or borrowed for expediting the county's or counties' plan  
24 shall be paid from the fund as provided in section 12(2) and (4).

25 **(3) THE COMMISSION SHALL PERFORM ALL OF THE FOLLOWING**  
26 **APPELLATE DUTIES:**

27 **(A) MEDIATE DISPUTES BETWEEN COUNTIES REGARDING CORNER**

1 LOCATION OR A COMMON COUNTY LINE.

2 (B) ACT AS AN APPELLATE BOARD TO REVIEW APPEALS OF CORNER  
3 LOCATION DECISIONS.

4 (C) HOLD PUBLIC HEARINGS TO RESOLVE DISPUTES OVER THE  
5 INTERPRETATION OF A COUNTY PLAN OR THIS ACT.

6 Sec. 7. (1) ~~The commission shall appoint an executive~~  
7 ~~director. The executive director, under the direction of the~~  
8 ~~commission, shall carry out the routine duties of the commission,~~  
9 ~~as delegated to the executive director by the commission. The~~  
10 ~~executive director shall retain employees, including at least 1~~  
11 ~~licensed surveyor and adequate secretarial staff, as the executive~~  
12 ~~director considers necessary. The employees shall be classified~~  
13 ~~civil servants.~~ **THE EMPLOYEE IN DIRECT CHARGE OF THE STATE SURVEY**  
14 **AND REMONUMENTATION SECTION IN THE DEPARTMENT THAT PERFORMS**  
15 **SERVICES FOR THE DIRECTOR OF THE DEPARTMENT AND THE COMMISSION**  
16 **UNDER THIS ACT, AND THAT EMPLOYEE'S CHIEF ASSISTANT, MUST EACH BE**  
17 **LICENSED AS A PROFESSIONAL SURVEYOR UNDER ARTICLE 20 OF THE**  
18 **OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014.**

19 (2) The commission shall enter into a contract with a geodetic  
20 advisor qualified to perform the duties described in section ~~6(e)~~.  
21 **6(1)(C).**

22 Sec. 8. (1) Each county shall establish a county monumentation  
23 and remonumentation plan. ~~Not later than 1 year after~~ **BY** January 1,  
24 ~~1991, 1992,~~ the commission shall create and distribute a model  
25 county plan that may be adopted by a county with any changes  
26 appropriate for that county. ~~Not later than~~ **BY** January 1, 1994,  
27 each county shall ~~have submitted~~ **SUBMIT** a county plan that is



1 approved by the commission. AN APPROVED COUNTY PLAN MUST INCLUDE A  
 2 PEER REVIEW FOR ALL REMONUMENTED CORNERS. THE PEER REVIEW MUST BE  
 3 CONDUCTED BY 3 OR MORE NONINTERESTED LICENSED PROFESSIONAL  
 4 SURVEYORS AND PAID FOR AS PROVIDED IN THE COUNTY PLAN.

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

6 (A) A 2-PHASE PROGRAM THAT CONSISTS OF BOTH OF THE FOLLOWING:

7 (i) PHASE 1, WHICH SHALL ACCOMPLISH ALL OF THE FOLLOWING:

8 (A) ~~(a)~~The monumentation or remonumentation of the ~~entire~~  
 9 GOVERNMENT CORNERS WITHIN THE county, ~~within 20 years,~~ AND THE  
 10 PROTRACTED POSITION AND PROPERTY CONTROLLING POSITION WITHIN THE  
 11 COUNTY THAT ARE INCLUDED IN THE COUNTY PLAN under the guidelines of  
 12 the manual of instructions for the survey of the public lands of  
 13 the United States, ~~1973,~~ 2009, prepared by the bureau of land  
 14 management of the department of interior. ~~, technical bulletin 6,~~  
 15 ~~or subsequent editions.~~

16 (B) THE ESTABLISHMENT OF PRECISE GEODETIC COORDINATES FOR EACH  
 17 CORNER REMONUMENTED UNDER SUB-SUBPARAGRAPH (A), IF THE COUNTY SO  
 18 DIRECTS, AND AS EXPRESSED IN THE COUNTY PLAN. COORDINATES ESTABLISHED  
 19 UNDER THIS SUB-SUBPARAGRAPH SHALL BE REPORTED AND RECORDED AS STATE  
 20 PLANE COORDINATES EXPRESSED TO THE NEAREST 1/100 OF A FOOT, AS  
 21 REQUIRED BY 1964 PA 9, MCL 54.231 TO 54.239.

22 (ii) PHASE 2, WHICH SHALL CONSIST OF A PERPETUAL MONUMENT  
 23 MAINTENANCE PLAN THAT PROVIDES FOR ALL CORNERS TO BE CHECKED, AND  
 24 IF NECESSARY REMONUMENTED.

25 (b) The provision of copies of all survey monumentation  
 26 information produced by the county plan to the county surveyor and,  
 27 AS REQUESTED, TO the commission.

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

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

9 (D) AN APPENDIX, TO BE REVISED AND UPDATED AT THE END OF EACH  
10 GRANT YEAR, THAT CONTAINS BOTH OF THE FOLLOWING:

11 (i) AN EXPLICIT INVENTORY AND THE TOTAL QUANTITY OF THE CORNERS  
12 COMPLETED TO DATE.

13 (ii) AN EXPLICIT INVENTORY AND THE TOTAL QUANTITY OF THE  
14 CORNERS YET TO BE COMPLETED.

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

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

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

25 (5) Upon the establishment and approval by the commission of a  
26 county plan, a county may expend or borrow ~~funds~~**MONEY** to expedite  
27 the completion of its plan. If a county or 2 or more counties elect

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

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

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

26 Sec. 9. The county surveyor in each county in this state shall  
27 be the county representative for all surveying projects approved by

1 or initiated ~~through the commission.~~ **UNDER THIS ACT.** In a county  
2 that does not have a county surveyor, a licensed **PROFESSIONAL**  
3 surveyor shall be appointed and shall perform the duties described  
4 in this section.

5 **SEC. 9A. (1) A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT AN**  
6 **INDIVIDUAL TO ACT AS THE GRANT ADMINISTRATOR TO MANAGE THE COUNTY'S**  
7 **OBLIGATIONS FOR ALL PROJECTS APPROVED OR INITIATED UNDER THIS ACT.**

8 **(2) A GRANT ADMINISTRATOR SHALL COORDINATE WITH THE COUNTY**  
9 **REPRESENTATIVE ON ALL SURVEYING PROJECTS APPROVED OR INITIATED BY**  
10 **THE COMMISSION AND SHALL PERFORM THE DUTIES PRESCRIBED UNDER THIS**  
11 **ACT, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:**

12 **(A) SUBMITTING A GRANT APPLICATION AND SUPPORTING DOCUMENTS TO**  
13 **THE COMMISSION BY DECEMBER 31 OF EACH YEAR.**

14 **(B) MANAGING THE PROCESS FOR SELECTING MONUMENTATION**  
15 **SURVEYORS.**

16 **(C) SUBMITTING PROPOSED COUNTY MONUMENTATION SURVEYOR**  
17 **CONTRACTS TO THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL AND**  
18 **AUTHORIZATION.**

19 **(D) RECOMMENDING PAYMENT TO MONUMENTATION SURVEYORS AS**  
20 **PROVIDED BY CONTRACT.**

21 **(E) SUBMITTING OTHER DOCUMENTATION AS REQUIRED BY THE**  
22 **COMMISSION.**

23 **(3) IF THE SURVEYOR ACTING AS THE COUNTY REPRESENTATIVE IS NOT**  
24 **A MONUMENTATION SURVEYOR, THE SURVEYOR MAY BE APPOINTED AND ALSO**  
25 **ACT AS THE COUNTY GRANT ADMINISTRATOR.**

26 **SEC. 9B. A COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A PEER**  
27 **REVIEW GROUP TO REVIEW REMONUMENTATION DOCUMENTATION AND CORNER**

1 **POSITIONS OF PROJECTS APPROVED OR INITIATED UNDER THIS ACT.**

2           Sec. 10. (1) Any monumentation or remonumentation conducted by  
3 the commission shall be ~~pursuant to~~ **CONDUCTED UNDER A** negotiated  
4 ~~contracts.~~ **CONTRACT.** The commission shall prepare specifications  
5 for each contract negotiated by the commission, ~~and shall monitor~~  
6 the field work and notes of ~~all~~ work done under each contract to  
7 ensure compliance with those specifications.

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

10           Sec. 11. (1) The state survey and remonumentation fund is  
11 created in the state treasury as a separate fund. The fund shall be  
12 administered by the commission.

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

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

23           (4) The commission may direct the department of treasury to  
24 establish restricted subaccounts within the fund as necessary to  
25 administer the fund.

26 ~~—— (5) In addition to any other appropriation, it is the intent~~  
27 ~~of the legislature that this state appropriate an amount from the~~

1 ~~general fund to the fund equal to the difference between the amount~~  
 2 ~~deposited into the fund in the fiscal year and the following~~  
 3 ~~amounts for the following fiscal years:~~

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

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

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

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

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

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

18       (c) The implementation of county plans that are initiated and  
 19 contracted for by the commission ~~pursuant to~~ **UNDER** section 8(4).

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

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

27       (f) Other activities necessary, incidental, or appropriate to

1 implement this act.

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

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

12 ~~—— (a) An~~ **AN** annual grant to a county ~~pursuant to~~ **UNDER**  
13 subsection (1) (a) or to 2 or more counties ~~pursuant to~~ **UNDER**  
14 subsection (1) (b) shall be in an amount that is not less than 40%  
15 of the amount of money collected in that county or those counties,  
16 as applicable, under section 2567a of the revised judicature act of  
17 1961, 1961 PA 236, MCL 600.2567a, during the calendar year  
18 immediately preceding the year in which the grant is made.

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

27 (4) If the commission contracts with a county or 2 or more

1 counties that elect to expend or borrow ~~unds~~**MONEY** to expedite the  
2 implementation of the county's or counties' plan under section  
3 6(2), the commission shall annually pay to ~~that~~**THE** county or  
4 counties ~~in lieu~~**INSTEAD** of any grant or payments under subsection  
5 (3) an amount that is not less than 40% of the amount of money  
6 collected in ~~that~~**THE** county or counties under section 2567a of the  
7 revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during  
8 the calendar year and will be paid in annual installments until the  
9 contract is paid in full.

10 (5) In addition to the purposes described in subsections (1)  
11 and (2), any amount of money not greater than \$500,000.00 that is  
12 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~~**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. 15. (1) A recipient of a grant made ~~pursuant to~~**UNDER**  
18 section 12(1)(a), (b), or (d) shall obtain authorization from the  
19 commission before implementing a change that significantly alters  
20 the approved county plan or multicounty plan.

21 (2) The commission may revoke a grant made by it ~~pursuant to~~  
22 **UNDER** this act or withhold payment if the recipient of the grant  
23 fails to comply with the terms and conditions of the grant, or with  
24 requirements of this act or the rules promulgated ~~pursuant to~~**UNDER**  
25 this act.

26 (3) The commission may withhold a grant until the commission  
27 determines that the recipient is able to proceed with the



1 implementation of the county plan or multicounty plan.

2       Sec. 17. The department ~~of commerce~~ shall promulgate rules  
3 pursuant to the administrative procedures act of 1969, ~~Act No. 306~~  
4 ~~of the Public Acts of 1969, being sections~~ **1969 PA 306, MCL** 24.201  
5 to 24.328, ~~of the Michigan Compiled Laws,~~ to implement this act. In  
6 doing so, the department shall consider recommendations provided to  
7 ~~them~~ **IT** by the commission.

8       Enacting section 1. This amendatory act takes effect January  
9 1, 2014.