

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES LICENSING AND
REGULATORY AFFAIRS

BUREAU OF CORPORATIONS, SECURITIES AND LAND DEVELOPMENT BUREAU
OF CONSTRUCTION CODES

SURVEY AND REMONUMENTATION COMMISSION

GENERAL RULES

Filed with the Secretary of State on
These rules take effect immediately after filing with the Secretary of State

(By authority conferred on the department of ~~consumer and industry services~~ **licensing and regulatory affairs** by section 17 of Act No. 345 of the Public Acts of 1990, and **Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-20, 2011-4, MCL 445.2001, MCL 445.2002, MCL 54.277, MCL 445.2011, MCL 445.2025 and MCL 445.2030**)

R 54.201, R 54.202, R 54.203, R 54.204, R 54.205, R 54.206, R 54.207, R 54.208, R 54.209, R 54.210, of the Michigan Administrative Code are amended and R 54.211, R 54.212 and R 54.213 are added to the Code as follows:

R 54.201 Definitions.

Rule 1. (1) As used in these rules:

~~-(a) "Act" means, Act No. 345 of the Public Acts of 1990, being S 54.261 et seq. of the Michigan Compiled Laws.~~

~~-(b) "Applicant" means a county or counties that apply for a grant pursuant to the act.~~

~~-(c) "Application" means a grant application on a form that is prescribed by the commission.~~

~~-(d) "Commission" means the state survey and remonumentation commission that is created pursuant to the act.~~

~~-(e) "Grant agreement" means the annual contract between the state and an applicant that includes the work program to be undertaken.~~

~~-(f) "County grant administrator" means a person who is appointed by the county board of commissioners as the individual who is responsible for completing and submitting the annual application for survey and monumentation grant to the state of Michigan and administering the approved annual grants. The county grant administrator's duties shall be set forth in the commission approved county plan.~~

~~-(g) "County representative" means the person who shall perform any duties that are assigned by law and other duties as described in the commission approved county plan and who is either of the following entities, as applicable:~~

~~-(i) The county surveyor, whether elected or appointed, pursuant to the provisions of section 95 of chapter 14 of the Revised Statutes of 1846, as amended, being S 54.95 of the Michigan Compiled Laws.~~

~~-(ii) The licensed surveyor who is appointed by the county board of commissioners if the county does not have a county surveyor.~~

~~-(h) "Recipient" means an applicant that receives a grant award pursuant to the act.~~

January 31, 2013

~~(2) Terms defined in the act have the same meanings when used in these rules.~~

(a) **“Act”** means the state survey and remonumentation act, 1990 PA 345, MCL 54.261 to 54.279.

(b) **“Applicant”** means a county or multiple counties that apply for a grant pursuant to the act.

(c) **“Application”** means an annual grant application pursuant to section 13 of the act.

(d) **“Annual grant agreement”** means the contract between the department and an applicant.

(e) **“Corner code”** means the designation given a corner based on its location within the surveyed township as established on the form pursuant to R 339.17403(8).

(f) **“Department”** means the department of licensing and regulatory affairs.

(g) **“Grant administrator”** means a person who is appointed by the county board of commissioners.

(h) **“Grantee”** means an applicant that receives a grant pursuant to the act.

(i) **“Land corner recordation certificate” (LCRC)** means the document prepared and filed pursuant to the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, and the form prescribed in R 339.17403(7).

(j) **“Monument”** means a marker that occupies the position of a corner and that possesses, or is made to possess, a magnetic field, or is set pursuant to the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d.

(k) **“Monumentation”** means the process by which a public land survey corner or property controlling corner position was established and monumented in an original survey or resurvey by the United States government.

(l) **“Peer review group”** means the advisory panel of surveyors who review and provide advice on corners presented by surveyors.

(m) **“Public land survey corner”** means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

(n) **“Remonumentation”** means all land surveying activities performed by a surveyor to perpetuate a remonumentation corner pursuant to the act.

(o) **“Remonumentation corner”** means a public land survey corner or a property controlling corner established and monumented in an original survey or resurvey by the United States government, being perpetuated pursuant to the act and these rules.

(p) **“Remonumentation surveyor”** means the licensed professional surveyor who is awarded a contract, by a grantee, to perform remonumentation of remonumentation corners.

(q) **“Standard monument”** means any monument defined in a county plan.

(r) **“Surveyor”** means a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(2) Terms defined in the act have the same meanings when used in these rules.

R 54.202 ~~Commission meetings. Forms.~~

Rule 2. ~~For commission meetings, a majority of the members of the commission constitutes a quorum. All business is transacted by motion. To approve a motion, there shall be support by a majority vote of the members who are present at the meeting, including the chairperson. An agenda shall be prepared and made available to the public at a time in advance of, and at,~~

~~the meeting.~~ **The annual grant application and all reports shall be made on forms prescribed by the department.**

R 54.203 **Right of appeal.**

~~Rule 3. A person, firm, corporation, public body, or agency that is aggrieved by a fund grant decision of the commission or the executive director of the commission may request, in writing, that the commission hold a hearing pursuant to the provisions of Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws.~~
An applicant or grantee who believes that he or she is aggrieved by a fund grant decision of the department may request, in writing, that the department hold a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 54.204 ~~Fund grant eligibility requirements.~~ **County plan.**

~~Rule 4. To be eligible to receive a grant from the fund, a county shall comply with the requirement of section 14 of the act and shall appoint a county grant administrator. The county shall also appoint a representative, if the county has abolished the position of county surveyor in accordance with law.~~ **The county plan shall include all of the following:**

(a) A remonumentation plan that identifies and itemizes all remonumentation corners within the borders established by the county plan, including the borders, by county, surveyed township and range, and corner code.

(b) A survey history for each county and copies of records that identify United States government surveys that were conducted outside the instructions for deputy surveyors issued by the surveyors general in 1815, 1833, and 1850.

(c) Define each county's standard monuments to be used when it is necessary to set a new monument pursuant to the act and these rules.

(d) Outline the specific requirements when remonumentation work is completed by a surveyor for both of the following:

- (i) Setting a standard monument,**
- (ii) Accepting an existing monument.**

(e) Stipulate that copies of all remonumentation records required to be maintained and filed pursuant to sections 8(2)(b) and 8(2)(c) of the act shall be provided to the department upon request.

(f) Provide for a perpetual monument maintenance plan pursuant to the act, which shall initiate the year following determination by the department that the remonumentation plan in subdivision (a) of this rule has been completed, pursuant to section 14(2) of the act.

(g) Only be amended with the approval of both the board of county commissioners and the department.

R 54.205 ~~Fund grant application process.~~ **Grant administrator.**

~~Rule 5. (1) The county representative shall provide information for a fund grant application to the county grant administrator as set forth in the commission approved county plan.~~

~~-(2) The county grant administrator shall provide all information that is required on the application forms and sign, date, and attest that all statements on the application forms are true, complete, and accurate to the best of the administrator's knowledge.~~

~~-(3) All applications shall be submitted to the commission's executive director, who shall review the applications based on the criteria listed in subrule (4) of this rule and forward the applications to the commission with his or her analysis and recommendations.~~

~~-(4) The commission's application review shall be based on the following criteria:~~

~~-(a) The eligibility of the applicant.~~

~~-(b) The grant application is for funds to carry out a portion of the commission approved county plan.~~

~~-(5) The commission may solicit a legal or technical review of an application from other sources.~~ **(1) The grant administrator shall do all of the following:**

(a) Manage a grantee's obligations of the annual grant agreement and be the point of contact.

(b) Be responsible for the application, all reports, and documentation required by the act, these rules, and the annual grant agreement.

(c) Oversee the county representative and all contractual obligations to fulfill the annual grant agreement.

(2) If the grant administrator is also the county representative, that individual and that individual's organization shall not enter into any remonumentation surveyor contract within the borders established by the county plan.

R 54.206 ~~Award of fund grants.~~ **County representative.**

~~Rule 6. (1) A fund grant shall be awarded to an applicant if approved by the commission and if all of the following criteria have been met:~~

~~-(a) The application has met all of the eligibility requirements specified in R 54.204.~~

~~-(b) Sufficient funds are available.~~

~~-(c) The applicant has been presented, and has accepted, a final grant agreement.~~

~~-(2) The commission shall require, as part of the approval of the grant, that an applicant comply with all necessary federal, state, or local laws and ordinances, if applicable.~~

~~-(3) A grant shall be discontinued to accordance with the provisions of section 15 of the act if the commission determines that a project is not progressing as specified in the grant agreement.~~

~~-(4) Any official action of the commission on any grant shall be by an affirmative vote of a majority of the commission members.~~

~~-(5) The commission shall award grants consistent with the provisions of section 12 of the act.~~

~~-(6) The commission shall reject any application if there is a lack of supportive data or if the commission determines that the application is not in compliance with the objectives of the act.~~

(1) A county representative of each county shall be the county representative for all surveying projects approved by or initiated through the department pursuant to the act. When necessary, a deputy county surveyor may be appointed pursuant to revised statutes of 1846, county surveyors, or an alternative county representative may be appointed by the county board of commissioners to serve in the absence of the county representative.

- (2) A county representative shall do all of the following:
- (a) Assist the applicant and grantee by providing technical and professional expertise.
 - (b) Assist the applicant and grantee in the development of and monitoring the progress of their county plan pursuant to the act and these rules.
 - (c) Coordinate the perpetuation of remonumentation corners along shared county borders.
 - (d) Facilitate the inclusion of any remonumentation corners that were not included in the annual grant agreement.
 - (e) If a peer review group has been established, schedule and chair the meetings pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and give notice to any surveyor who has a position in conflict with a corner position scheduled for peer review.
 - (f) At the discretion of the grantee, provide an indication of acceptance on the LCRC that the corner record has been reviewed by the peer review group and accepted by the grantee to be filed with the state pursuant to the act, these rules, and the annual grant agreement. The indication of acceptance shall be placed on the face of the LCRC before its filing with a county's register of deeds. If a conclusive decision cannot be made on a remonumentation corner, the surveyor or grantee may request an independent review be completed before the surveyor renders a final decision.
- (3) If the county representative is also the grant administrator, that individual and that individual's organization shall not enter into any remonumentation surveyor contract within the borders established by the county plan.

~~R 54.207 Contract requirements; notice to subcontractors of use of state funds.~~ **Peer review group.**

~~Rule 7. (1) All contracts that are related to the work program for which a fund grant is awarded shall be in compliance with the grant agreement that is entered into between the recipient and the state of Michigan and shall be in compliance with all applicable state laws and rules.~~

~~(2) The recipient of a fund grant shall inform all subcontractors that state funds shall be used to assist in the work program and that relevant state requirements shall apply.~~ **(1) A grantee may establish a peer review group of surveyors to review corners presented before filing.**

(2) The peer review group shall consist of a minimum of 3 members, which includes the chair.

(3) The peer review group shall include 1 person from any firm or company.

(4) All meetings shall be held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

~~R 54.208 Disbursement of fund grant monies.~~ **Application and grant award.**

~~Rule 8. Funds shall not be disbursed before the execution of the grant agreement and all funds shall be dispersed as set forth in the grant agreement.~~ **(1) An applicant shall comply with the requirements of section 14 of the act and these rules by appointing a grant administrator.**

(2) The department may approve or deny applications based on either the following criteria:

- (a) Corners to be completed or maintained.
- (b) Estimated expenditures.
- (3) The department may require the applicant to provide additional information for the department to make a determination required by the act and these rules.
- (4) The department may solicit legal or technical review of an application from other sources.
- (5) Approved applications shall be forwarded to the director of the department for execution of an annual grant agreement if sufficient funds are available.

R 54.209 ~~Establishment by recipient of a accounting system and internal controls.~~ **Disbursement of annual grant.**

Rule 9. A recipient is required to establish and maintain a system of accounting and internal controls recognized by the state treasurer, local audit division, as acceptable county accounting practices. **The department shall disburse an annual grant pursuant to section 12 of the act and as follows:**

- (a) Forty percent of the annual grant amount upon receipt of a signed annual grant agreement.
- (b) Forty-five percent of the annual grant amount upon receipt and approval of a progress report and supporting documentation. The total of the start-up payment and progress payment is limited to 85% of the total annual grant.
- (c) Final payment upon receipt and approval of a completion report and supporting documentation.

R 54.210 ~~Retention of financial records.~~ **Revocation of grant.**

Rule 10. A recipient shall retain all financial records, supporting documents, statistical records, and all other records that are pertinent to a grant for a period of 3 years, with the following qualifications:

- ~~-(a) If any litigation or audit is started before the expiration of the 3 year period, the records shall be retained for 7 years from the date of the audit report or shall be retained until all litigation, claims, or audit findings that involve the records have been resolved, whichever is later.~~
- ~~-(b) Records for nonexpendable property that is acquired with the grant funds shall be retained for 7 years after final disposition of the property.~~
- ~~-(c) When records are transferred or maintained by the commission, the 7 year retention requirement is not applicable to a recipient.~~
- ~~-(d) The retention period starts from the date of acceptance of the final performance report for the grant. A grant may be revoked in whole or in part pursuant to the act, these rules, and the annual grant agreement.~~

R 54.211 Establishment by grantee of accounting system and internal controls.

Rule 11. For all grant funds received and dispersed, a grantee shall establish and maintain a separate system of accounts subject to accounting and internal controls recognized by the state treasurer, local audit division, as acceptable county accounting practices.

R 54.212 Audit; retention of financial records.

Rule 12. (1) The department may audit the grantee to assure compliance with the requirements of the grant agreement.

(2) The grantee shall retain all financial records, supporting documents, statistical records, and all other records that are pertinent to a grant for a period of 5 years, unless any litigation or departmental audit is started before the expiration of the 5-year period. Records shall be retained for 7 years from the date of the audit report or until all litigation, claims, or audit findings that involve the records have been resolved, whichever is later.

R 54.213 Inconsistent or conflicting provisions.

Rule 13. Any provision of an annual grant agreement or county plan which is inconsistent or in conflict with the act and the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or these rules, is superseded to the extent of the inconsistency and conflict.