

Sec. 25. REPEALER.

Minnesota Statutes 2004, sections 245.713, subdivisions 2 and 4; 245.716; and 626.5551, subdivision 4, are repealed.

Presented to the governor May 21, 2005

Signed by the governor May 25, 2005, 12:55 p.m.

CHAPTER 99—H.F.No. 478

An act relating to counties; providing for alternative filing of surveys; modifying requirements for land surveyors; providing for a transfer of records; amending Minnesota Statutes 2004, sections 160.15, subdivision 4; 381.12, subdivisions 1, 3; 389.03.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2004, section 160.15, subdivision 4, is amended to read:

Subd. 4. **FILING OF CERTIFICATE; FEE.** The land surveyor placing and establishing the markers or monuments shall, no later than one year after placing and establishing them, file a certificate to that effect in the office of the county recorder, ~~or in the office of the county surveyor where~~, if the county maintains a full-time office, in the county or counties ~~wherein~~ in which the markers or monuments were placed. If a county in which the markers or monuments were placed does not have a full-time office of the county surveyor, then the land surveyor shall record the certificate in the office of the county recorder of that county. Each certificate must contain only the record of markers and monuments at one corner. ~~The county recorder may charge a fee of 50 cents for each certificate filed.~~

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2005, and applies to markers and monuments placed and established on or after that date.

Sec. 2. Minnesota Statutes 2004, section 381.12, subdivision 1, is amended to read:

Subdivision 1. **SURVEYOR, EMPLOYMENT.** When the county board determines that the monuments established by the United States in the public lands survey to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a licensed surveyor to preserve, restore and mark the corners with a durable magnetic monument. The surveyor shall make full and accurate notes and records from which the entire survey can be relocated, and shall, no later than one year after preserving, restoring, and marking the corners, file a certified copy of the same, with a plat, in the office of the county recorder ~~or the office of the county surveyor if an office is maintained in a building maintained by the county for county purposes on a full-time basis~~, and if not, shall record it in the office of the county recorder. The monuments are prima facie evidence of the original United States public land survey corners.

New language is indicated by underline, deletions by ~~strikeout~~.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2005, and applies to corners preserved, restored, and marked on or after that date.

Sec. 3. Minnesota Statutes 2004, section 381.12, subdivision 3, is amended to read:

Subd. 3. **U.S. PUBLIC LAND SURVEY MONUMENT RECORD.** (a) A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:

(1) there is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or

(3) the witness ties referred to in an existing United States public land survey monument record have been destroyed.

(b) A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in section 160.15, subdivision 5.

(c) A United States public land survey monument record must show the position of the corner and must include all the following elements:

(1) the identity of the corner, as referenced to the United States public land survey system;

(2) a description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;

(3) if possible, reference ties to at least three witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;

(4) a plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;

(5) a description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;

(6) whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;

(7) whether the corner was restored through lost corner proportionate methods;

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(8) the directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and

(9) the signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

(d) No later than one year after perpetuating or restoring the survey corner, the land surveyor shall file or record the certificate in the same manner as required under subdivision 1.

(e) A reasonable fee for professional services may be paid to the surveyor filing or recording the certificate with the respective county, on approval and determination of the fee by resolution of the county board.

EFFECTIVE DATE; APPLICATION. This section is effective August 1, 2005, and applies to corners perpetuated or restored on or after that date.

Sec. 4. Minnesota Statutes 2004, section 389.03, is amended to read:

389.03 COMPENSATION; RECORDS.

(a) Except as otherwise provided by law, the county board shall fix the compensation of county surveyors or their deputies, including their necessary expenses. All records of surveys are public records and must be made available by the county surveyor at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide to the county surveyor all proper and necessary files for keeping these records. The county survey records must be kept in the office of the county surveyor or of the county recorder of the county. If an office for the county surveyor is maintained in a building maintained by the county for county purposes on a full-time basis, then the records shall be kept in the office of the county surveyor.

(b) If a county closes an office of the county surveyor that the county maintained in a building maintained by the county for county purposes on a full-time basis, the county shall transfer all certificates of location of corners filed with that office under section 160.15, subdivision 4, or 381.12, subdivisions 1 and 3, to be recorded in the office of the county recorder.

EFFECTIVE DATE. This section is effective August 1, 2005.

Presented to the governor May 24, 2005

Signed by the governor May 27, 2005, 3:50 p.m.

CHAPTER 100—S.F.No. 1815

An act relating to commerce; modifying various requirements for licensees of the

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