



April 4, 2003

ENGROSSED HOUSE BILL No. 1741

DIGEST OF HB 1741 (Updated April 2, 2003 5:58 PM - DI 87)

Citations Affected: IC 36-2.

Synopsis: Repair or replacement of corner or HARN monuments. Specifies that written notice must be given to the county surveyor when a monument marking a corner is removed or buried while working on a state road. Requires a person who damages or removes a monument marking a corner or a high accuracy reference network (HARN) point to reimburse the county for the expense of repairing or replacing the monument.

Effective: July 1, 2003.

Scholer, Reske, Buck

(SENATE SPONSORS — ALTING, HERSHMAN)

January 21, 2003, read first time and referred to Committee on Roads and Transportation.
February 3, 2003, reported — Do Pass.
February 6, 2003, read second time, ordered engrossed. Engrossed.
February 10, 2003, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 11, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
April 3, 2003, reported favorably — Do Pass.

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EH 1741—LS 7203/DI 87+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1741

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-12-13, AS AMENDED BY P.L.276-2001,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 13. (a) A person may, for excavation, mineral
4 extraction, or other purposes related to the person's business,
5 temporarily remove a monument marking a corner. The person must
6 notify in writing the county surveyor at least thirty (30) days before
7 removing the monument. The person must replace the monument
8 within a reasonable time at the person's expense under the supervision
9 of the county surveyor or, if the county surveyor is not registered under
10 IC 25-21.5 or IC 25-31, the registered person who is selected under
11 section 11 of this chapter. The surveyor shall file a copy of the notice
12 in the corner record book.

13 (b) Only a county surveyor or a designee may change the location
14 of any monument. A person who wishes to have the location of a
15 monument changed must make a request to the surveyor in writing and
16 furnish written approval of all landowners whose property is affected
17 by the proposed change. The surveyor may approve, reject, or modify

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1 the request and shall file a copy of the notice and the landowners'
 2 consents in the corner record book.

3 (c) When, in the construction or maintenance of a **state**, county, or
 4 municipal road or street, it is necessary to remove or bury a monument
 5 marking a corner, the owner of the public right-of-way shall notify the
 6 county surveyor in writing at least fifteen (15) days before commencing
 7 the work.

8 (d) A county legislative body may adopt an ordinance:
 9 (1) prohibiting a person from moving, changing, or otherwise
 10 altering a monument marking a corner without complying with
 11 this section; and
 12 (2) prescribing a monetary penalty for a violation of the
 13 ordinance.

14 Any money collected shall be deposited in the county surveyor's corner
 15 perpetuation fund.

16 (e) **A person who damages or removes a monument marking a**
 17 **corner or high accuracy reference network (HARN) point shall**
 18 **reimburse the county for the cost of repairing or replacing the**
 19 **monument.**

20 (f) **If a person who damages or removes a monument marking**
 21 **a corner violates an ordinance under subsection (d), the person is**
 22 **liable for:**
 23 **(1) the amount of reimbursement under subsection (e); and**
 24 **(2) any monetary penalty prescribed by the county legislative**
 25 **body for violation of the ordinance under subsection (d).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1741, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1741, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1741 as printed February 4, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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