
HOUSE BILL No. 1741

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-12-13.

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

January 21, 2003, read first time and referred to Committee on Roads and Transportation.

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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.

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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



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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