

Legislative Analysis



REMONUMENTATION OF THE MICHIGAN-INDIANA STATE LINE

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Senates Bills 374 (S-2) and 375 (S-3)

Sponsor: Sen. Ron Jelinek

House Committee: Government Operations

Senate Committee: Local, Urban, and State Affairs

Complete to 5-11-09

A SUMMARY OF SENATES BILL 374 AND 375 AS PASSED BY THE SENATE 5-6-09

The bills would provide for the remonumentation of the Michigan-Indiana state line, which was last completed in 1827.

Senate Bill 374 - Michigan and Indiana State Line Monumentation Act

The bill would create a new act known as the Michigan and Indiana State Line Monumentation Act, which would establish the Indiana-Michigan Boundary Line Commission, charged with overseeing the remonumentation of the Michigan-Indiana state line. The commission would consist of 10 members, with five members from Indiana appointed under Indiana law (see below), and five Michigan members appointed by the governor. Michigan members would have to be licensed professional surveyors. The five members would be residents of Berrien, Cass, St. Joseph, Branch, and Hillsdale counties.

The commission would have to meet quarterly, or more frequently at the call of the chairperson, or upon the request of a majority of the commission. A quorum would consist of a majority of the delegation from both states.

The bill contains standard language concerning the operation of the commission, including appointment of officers and compliance with the Freedom of Information Act and the Open Meetings Act. Michigan members of the commission would serve without compensation but would be reimbursed for necessary travel and other expenses in accordance with Department of Management and Budget travel policies.

The bill provides that the commission would do all of the following: (1) administer a survey and remonumentation of the Indiana-Michigan border; (2) recover or re-establish relatively permanent monuments at the mileposts of the Indiana-Michigan state line, as established in the original federal survey of 1827; (3) compile the appropriate records and documents verifying the location of the monuments; and (4) resolve any controversies regarding the location of monuments.

The bill provides that the commission, in consultation with the Department of Energy, Labor, and Economic Growth, would procure the services of professional surveyors to

undertake the surveying and remonumentation of the state line through a "qualification-based" selection process that first takes into account a firm's qualification to do the work. After the commission selects a firm, the department would negotiate the cost of providing services. If the department cannot reach an agreement with the highest ranked firm as to the cost of service, the department would negotiate with the next most qualified firm. After the work is completed the commission would have to submit a report to the legislature.

The bill provides that it would not take effect unless the DELEG director certifies to the legislature that similar legislation in Indiana has been enacted into law. At a minimum the legislation would have to enact the interstate cooperation necessary to effectuate the legislation (in both states) and to provide that Indiana will share in the cost of the remonumentation of the state line.

The bill has a sunset date of January 1, 2015.

Senate Bill 375 - State Survey and Remonumentation Act

The bill would amend the State Survey and Remonumentation Act to authorize up to \$500,000 for the costs of the monumentation of the state line, as provided in SB 374. However, the bill provides that these funds would not be appropriated from the State Survey and Remonumentation Fund.

MCL 54.262 and MCL 54.272

FISCAL IMPACT:

The bills have an indeterminate fiscal impact on the Department of Energy, Labor, and Economic Growth. Senate Bill 374 provides that commission members would not receive compensation, but would be reimbursed for any necessary travel and other expenses incurred in the course of their official duties. The aggregate costs of such expenses would be minimal. Any costs associated with the bill imposed on the Office of Land Survey and Remonumentation, within the Bureau of Construction Codes, would also be minimal.

Additionally, Senate Bill 375 authorizes up to \$500,000 to be appropriated for the remonumentation of the state line, as provided in SB 374. The bill does not provide an appropriation per se. It does not specify a potential fund source for the appropriation, although it does specifically provide that the State Survey and Remonumentation Fund could not be used for this purpose. (Normally it would be.) In this regard, the bill does not diminish the funding otherwise available to all 83 counties for remonumentation purposes, as provided under the State Survey and Remonumentation Act. While the bill authorizes an appropriation of up to \$500,000, industry representatives do not anticipate Michigan's share to be that high. The actual costs, while limited based on this authorization, would depend on the number of corners (there are about 104 in all) remonumented, the amount of work required to research and locate such corners, and the cost of replacing needed monuments. These costs, the bill provides, would be negotiated between a selected surveyor and the commission, in consultation with Department of Energy, Labor, and Economic Growth.

The State Survey and Remonumentation Fund is supported by a \$4.00 fee imposed when certain instruments are recorded with the county register of deeds. The Fund is used to provide grants to counties to remonument property corners. For FY 2008-09, the department estimates SSRF revenue to be about \$5.6 million.

BACKGROUND INFORMATION:

The companion legislation in Indiana is Senate Bill 530. The bill was first introduced on January 15, 2009; it passed the State Senate in February; and then passed the House in April. (Michigan SB 374 and 375 were introduced in March, after the Indiana Senate passed its bill, and before the Indiana House took up the bill.) Senate Bill 530 is now pending before the Indiana governor. Similar to SB 374, the Indiana legislation provides that the five members of the commission are to be appointed by the governor, and must be registered surveyors and residents of the five bordering counties of Elkhart, LaGrange, LaPorte, St. Joseph, and Steuben. The bill also provides that members do not receive compensation but are reimbursed for necessary expenses. The Indiana bill provides that the commission would have to meet at least four times per year, although it does not specify who would call additional meetings (which is provided for in the Michigan bill). Moreover, the Indiana legislation does not contain language concerning the selection of the chairperson or what constitutes a quorum of the commission (which, again, is provided for in the Michigan bill).

The Indiana legislation also provides that a contract for surveying services, procured through the Indiana Department of Administration, would have to be awarded to a company in Indiana. [The Michigan bill does not specify that a contract would have to be awarded to an Indiana company, nor does it even specify that a contract would have to be awarded to a Michigan company. Moreover, it's not immediately clear how this provision in the Indiana legislation would work in concert with a provision in SB 374 requiring contracts to be awarded, after consultation with DELEG, to the most qualified firms, provided the amount of the contract can be agreed upon between the commission and the surveyor. It is not clear what would happen if the Indiana firm isn't the most qualified. It is also not clear what would happen if a Michigan firm is selected in accordance with the Michigan bill and an Indiana firm is selected in accordance with the Indiana bill.] The Indiana bill has a sunset date of July 1, 2015, whereas the Michigan bill has a sunset date of January 1, 2015.

For additional information, see *The Michigan-Indiana Border Survey*, (January 25, 2008), written by students in the survey engineering program at Ferris State University, [<http://btcsure1.ferris.edu/BM/documents/The%20Michigan%20Indiana%20Border%20Survey.pdf>].

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