

Act No. 259
Public Acts of 2010
Approved by the Governor
December 14, 2010
Filed with the Secretary of State
December 14, 2010
EFFECTIVE DATE: Pending

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senators Jelinek, Van Woerkom, George, Birkholz and Cropsey

ENROLLED SENATE BILL No. 374

AN ACT to provide for the recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line; to create a commission; to provide for certain powers and duties of certain state officers and agencies; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the “Michigan and Indiana state line monumentation act”.

Sec. 3. As used in this act:

(a) “Commission” means the Indiana-Michigan boundary line commission established in section 5.

(b) “Department” means the department of energy, labor, and economic growth.

(c) “Monument” means a relatively permanent physical marker that occupies the location of a milepost or intermediate alignment control point of the Indiana-Michigan state line as originally established by the federal survey of that line in 1827.

Sec. 5. (1) The Indiana-Michigan boundary line commission is established within the department.

(2) The commission consists of 10 members, 5 from the state of Indiana and 5 from this state, who shall be known as state line commissioners. The 5 members from the state of Indiana shall be appointed under the laws of the state of Indiana. The 5 members from this state shall be appointed by the governor. Each member appointed by the governor shall be a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. The governor shall appoint 1 resident from each of the following counties:

(a) Berrien.

(b) Cass.

(c) St. Joseph.

(d) Branch.

(e) Hillsdale.

(3) At the first meeting of the commission, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the commission shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 6 or more members.

(4) A majority of the members of the commission appointed from this state and a majority of the members of the commission appointed from the state of Indiana, together, constitute a quorum for the transaction of business at a meeting of the commission. A quorum of the members present and serving are required for official action of the commission.

(5) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) The members of the commission appointed from this state shall serve without compensation, but shall be reimbursed for necessary travel and other expenses pursuant to the standard travel regulations of the department of technology, management, and budget.

(8) The commission shall do all of the following:

(a) Administer a survey and remonumentation of the Indiana-Michigan border.

(b) Recover or reestablish relatively permanent monuments at the mileposts of the Indiana-Michigan state line as established in the 1827 federal survey that defined that line. The commission also shall recover or reestablish relatively permanent monuments at the posts originally set at or near the shores of lakes and large rivers of the Indiana-Michigan state line as established in the 1827 federal survey that defined that line, or witness corners for set posts. The commission shall make periodic reviews of the contractors' progress in performing the work described in this subdivision and shall make a final review upon the installation of each monument.

(c) Compile appropriate records and documents verifying the location of the monuments, and furnish those records and documents to the department.

(d) Resolve any controversies regarding the location of monuments defining the Michigan-Indiana boundary.

Sec. 7. For each milepost or the posts originally set at or near the shores of lakes or large rivers determined under this act, a Michigan land recordation certificate that provides appropriate references, and Michigan south zone state plane coordinates, shall be filed with the appropriate county register of deeds and a copy of those documents shall be submitted to the department.

Sec. 9. (1) The commission, in consultation with the department, shall procure professional surveying services through negotiated contracts for purposes of this act. The commission, in consultation with the department, shall use a qualification-based selection method for awarding contracts and shall award contracts only to business entities incorporated or located in this state.

(2) As used in subsection (1), "qualification-based selection" means a method of selecting professionals or firms to perform contractual work as follows:

(a) The selection of professionals or firms who provide the service shall be based first upon the qualifications of the professionals or firms to perform the required work.

(b) After the qualified design professionals or firms have been chosen by the commission, the department shall negotiate as to the cost of services.

(c) If price negotiations cannot be satisfactorily completed with the highest-ranked professional or firm, these negotiations cease and negotiations begin with the professional or firm that is next most qualified to perform the required work, and so forth until a professional or firm is selected to perform the services.

Sec. 11. Within 60 days after the completion of the duties of the commission under this act, the commission shall submit a written report to the secretary of the senate and the clerk of the house of representatives. The report shall summarize the work performed under this act and the activities of the commission.

Sec. 13. This act does not take effect unless the director of the department certifies in writing to the secretary of the senate and the speaker of the house of representatives that legislation similar to this act has been enacted into law by the state of Indiana and that the Indiana legislation does both of the following:

(a) Enables the interstate cooperation necessary to effectuate this act.

(b) Provides that the state of Indiana will share the responsibilities and costs of determining the Michigan-Indiana border in an equitable manner.

Sec. 15. This act is repealed effective January 1, 2015.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: The conditions contained in MCL 54.303 pertaining to the effectiveness of 2010 PA 374 were certified as satisfied by the director of the department of energy, labor, and economic growth on (pending).