

**SUBSTITUTE FOR
SENATE BILL NO. 374**

A bill 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:

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

3 Sec. 3. As used in this act:

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

6 (b) "Department" means the department of energy, labor, and
7 economic growth.

8 (c) "Monument" means a relatively permanent physical marker

1 that occupies the location of a milepost or intermediate alignment
2 control point of the Indiana-Michigan state line as originally
3 established by the federal survey of that line in 1827.

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

6 (2) The commission consists of 10 members, 5 from the state of
7 Indiana and 5 from this state, who shall be known as state line
8 commissioners. The 5 members from the state of Indiana shall be
9 appointed under the laws of the state of Indiana. The 5 members
10 from this state shall be appointed by the governor. Each member
11 appointed by the governor shall be a professional surveyor licensed
12 under article 20 of the occupational code, 1980 PA 299, MCL
13 339.2001 to 339.2014. The governor shall appoint 1 resident from
14 each of the following counties:

15 (a) Berrien.

16 (b) Cass.

17 (c) St. Joseph.

18 (d) Branch.

19 (e) Hillsdale.

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

25 (4) A majority of the members of the commission appointed from
26 this state and a majority of the members of the commission
27 appointed from the state of Indiana, together, constitute a quorum

1 for the transaction of business at a meeting of the commission. A
2 quorum of the members present and serving are required for official
3 action of the commission.

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

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

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

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

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

18 (b) Recover or reestablish relatively permanent monuments at
19 the mileposts of the Indiana-Michigan state line as established in
20 the 1827 federal survey that defined that line. The commission also
21 shall recover or reestablish relatively permanent monuments at the
22 posts originally set at or near the shores of lakes and large
23 rivers of the Indiana-Michigan state line as established in the
24 1827 federal survey that defined that line, or witness corners for
25 set posts. The commission shall make periodic reviews of the
26 contractors' progress in performing the work described in this
27 subdivision and shall make a final review upon the installation of

1 each monument.

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

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

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

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

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

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

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

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

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

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

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

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

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