

# SENATE BILL No. 374

March 12, 2009, Introduced by Senators JELINEK, VAN WOERKOM, GEORGE, BIRKHOLZ and CROPSEY and referred to the Committee on Local, Urban and State Affairs.

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. (1) The Indiana-Michigan boundary line commission is  
4 established.

5       (2) The commission consists of 10 members, 5 from the state of  
6 Indiana and 5 from this state, who shall be known as state line  
7 commissioners. The 5 members from the state of Indiana shall be

1 appointed under the laws of the state of Indiana. The 5 members  
2 from this state are the elected county surveyors of Berrien county,  
3 Cass county, St. Joseph county, Branch county, and Hillsdale  
4 county, who shall serve ex officio.

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

10 (4) A majority of the members of the commission constitute a  
11 quorum for the transaction of business at a meeting of the  
12 commission. A quorum of the members present and serving are  
13 required for official action of the commission.

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

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

21 (7) Members of the commission shall serve without  
22 compensation. However, members of the commission may be reimbursed  
23 for their actual and necessary expenses incurred in the performance  
24 of their official duties as members of the commission.

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

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

1 (b) Recover or reestablish relatively permanent monuments at  
2 the mileposts of the Indiana-Michigan state line as established in  
3 the 1827 federal survey that defined that line. The commission also  
4 shall recover or reestablish relatively permanent monuments at the  
5 posts originally set at or near the shores of lakes and large  
6 rivers of the Indiana-Michigan state line as established in the  
7 1827 federal survey that defined that line, or witness corners for  
8 set posts. The commission shall review the survey upon completion  
9 of each milepost.

10 (c) Compile appropriate records and documents verifying the  
11 location of the mileposts, and process those records and documents  
12 through the state survey and remonumentation commission created in  
13 section 3 of the state survey and remonumentation act, 1990 PA 345,  
14 MCL 54.263.

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

17 Sec. 5. For each milepost or the posts originally set at or  
18 near the shores of lakes or large rivers determined under this act,  
19 a Michigan land recordation certificate that provides appropriate  
20 references, and Michigan south zone state plane coordinates, shall  
21 be filed with the appropriate county register of deeds and a copy  
22 of those documents shall be submitted to the state survey and  
23 remonumentation commission created under section 3 of the state  
24 survey and remonumentation act, 1990 PA 345, MCL 54.263.

25 Sec. 7. (1) The commission shall procure professional  
26 surveying services through negotiated contracts for purposes of  
27 this act. The commission shall use a qualification-based selection

1 method for awarding contracts and shall award contracts only to  
2 business entities incorporated or located in this state.

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

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

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

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

17 Sec. 9. This act does not take effect unless the director of  
18 the department of energy, labor, and economic growth certifies in  
19 writing to the secretary of the senate and the speaker of the house  
20 of representatives that legislation similar to this act has been  
21 enacted into law by the state of Indiana and that the Indiana  
22 legislation does both of the following:

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

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

1       Sec. 11. This act is repealed effective January 1, 2015.