

MICHIGAN–INDIANA STATE LINE REMONUMENTATION

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Senate Bills 627 (H-2) and 628 (H-1)
Sponsor: Sen. Kimberly LaSata
House Committee: Appropriations
Senate Committee: Appropriations
Complete to 11-9-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 627 would create a new act, the Michigan-Indiana State Line Remonumentation Act, which would create the Michigan–Indiana State Line Commission within the Department of Licensing and Regulatory Affairs (LARA). This commission would administer a survey of the Michigan–Indiana state line and would recover and reestablish monuments along this boundary as required under the bill.

Michigan–Indiana State Line Commission

Membership of the commission would include five licensed surveyors, with one member each from Berrien, Branch, Cass, Hillsdale, and St. Joseph Counties. The governor would appoint commission members, subject to the advice and consent of the Senate. The bill would require that individuals previously appointed to the Indiana–Michigan Boundary Line Commission under 2010 PA 259 be considered for appointment to the commission created under this bill. Commission members would serve a term of two years or until a successor is appointed, whichever is later. Commission vacancies would be filled by gubernatorial appointment for the duration of the term. The governor could remove an appointed commission member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause. Commission members would not receive any compensation, but could receive reimbursement for actual and necessary expenses incurred in their service.

The first meeting of the commission would be called by the majority of the members of the commission and would be required no later than June 15, 2022. The commissioners would elect a chairperson and other commission officers from the commission's membership at the first meeting. After the first meeting, the commission would have to meet at least quarterly, or more frequently at the call of the chairperson or if requested by a majority of members.

The commission would be required to do all of the following under the bill:

- Administer a survey of the remonumentation of the Michigan–Indiana state line.
- Recover and reestablish monuments at mileposts and intermediate monument control points of the Michigan–Indiana state line.
- Recover and reestablish monuments at the posts originally set at or near the shores of lakes and large rivers of the Michigan–Indiana state line.
- Compile records and documents verifying the location of mileposts and submit those records and documents to respective county peer review groups (which are panels of surveyors, appointed by county boards of commissioners, that review and advise on public land survey corners under the State Survey and Remonumentation Act, 1990 PA 345).

- Resolve differences revealed by the survey between record documents and recovered evidence regarding the location of Michigan–Indiana state line mileposts.
- Provide regular updates to LARA's Office of Land Survey and Remonumentation.

The bill would prohibit the commission from replacing lost corner positions if the state of Indiana does not participate in the survey and remonumentation project. The bill would also allow the commission to meet and collaborate with a similar commission in Indiana.

The director of the Office of Land Survey and Remonumentation would be required to apprise the State Survey and Remonumentation Commission of the Michigan-Indiana State Line Commission's progress.

Reporting

Upon completion of the survey and remonumentation, the commission would be required to submit the survey of the Michigan–Indiana state line to the legislature. A commission report stating whether there are differences between the survey and the survey of a similar Indiana commission would have to accompany the report.

For posts originally set at or near the shore of a lake or large river or mileposts under the act, the commission would be required to file a land corner recordation certificate, providing appropriate references and Michigan state plane coordinates, with the appropriate county register of deeds. The commission also would be required to file a copy of the land corner recordation certificate with the State Survey and Remonumentation Commission.

Contracts

The commission could procure professional surveying services through negotiated contracts, but contracts could only be awarded to persons incorporated and having a principal place of business in Michigan.

Repeal

If enacted, there is language included that would repeal the act effective January 1, 2026.

Senate Bill 628 would amend the State Survey and Remonumentation Act to allow the legislature to appropriate up to \$500,000 (that was appropriated or transferred to the fund after November 1, 2021) from the State Survey and Remonumentation Fund to pay the state's equitable share of costs for monumentation of the Michigan–Indiana state boundary line. The State Survey and Remonumentation Fund receives revenue from fees collected from county registers of deeds for recording any instrument. At present, and until January 1, 2023, this fee is \$4. Beginning January 1, 2023, the fee will be \$2.

MCL 54.272

Senate Bills 627 and 628 are tie-barred to one another, which means that neither bill could take effect unless both bills were enacted.

FISCAL IMPACT:

Senate Bills 627 and 628, considered jointly, would likely increase costs for the state and would have an indeterminate fiscal impact on counties.

Members of the commission would be allowed to receive reimbursement for their actual and necessary expenses incurred, but such costs would likely be negligible.

By allowing the legislature to appropriate up to \$500,000 from the State Survey and Remonumentation Fund to pay the state's equitable share of costs for monumentation of the Michigan–Indiana state boundary line, the bill would reduce the amount in that fund that is available for expenditure to support other activities. Estimated revenue to the fund in FY 2020-21, as of October 2021 totaled \$8.2 million. 2021 PA 87 appropriated \$6.8 million from the fund for remonumentation grants to counties, to support county grants for implementation of county plans to survey, remonument, and maintain original national Public Land Survey System corners. It is presently indeterminate whether Senate Bill 628 would have an adverse impact on county funding, as such an impact would depend on the amount of revenue to the fund, the amount of county grants distributed, and the amount of any other expenditures allowed from the fund.

2021 PA 87 also appropriated \$500,000 GF/GP in one-time funding in FY 2021-22 to the Department of Technology, Management, and Budget (DTMB) to permit DTMB to conduct a study of the costs of administration and remonumentation of the Michigan–Indiana border. A previous study, conducted under 2010 PA 259, had estimated the cost of the remonumentation survey at approximately \$1.7 million, according to LARA. Boilerplate section 892 of Article 5 of 2021 PA 87 requires the study to estimate the costs of administering a survey and remonumentation of the border, recovering or reestablishing more permanent milepost monuments at the border, and resolving any controversies regarding the location of monuments. Section 892 does not provide a date for when the study must be complete.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.