



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 627 (Substitute S-3 as reported by the Committee of the Whole)
Senate Bill 628 (as reported by the Committee of the Whole)
Sponsor: Senator Kimberly LaSata
Committee: Appropriations

CONTENT

Senate Bill 627 (S-3) would enact the "Michigan-Indiana State Line Monumentation Act" to establish the Michigan-Indiana State Line Commission authorized to administer a survey and remonumentation of the Michigan-Indiana state line.

The Commission would be established within the Department of Licensing and Regulatory Affairs. It would consist of 10 state line commissioners, five from Michigan and five from Indiana. The commissioners from Indiana would have to be chosen according to Indiana law. The commissioners from Michigan would have to serve ex officio and would consist of the elected county surveyors of the following counties: Berrien, Branch, Cass, St. Joseph, and Hillsdale. If a county surveyor were unable to serve, the Governor would have to appoint a surveyor licensed in Michigan who was a resident of the same county as that surveyor. The commissioners would serve two-year terms and could be removed by the Governor for incompetence, malfeasance, or any other good cause.

Commissioners appointed from Michigan would not be entitled to compensation but could be reimbursed for actual and necessary expenses incurred during the performance of their duties.

The Commission would have to do the following:

- Administer a survey and remonumentation of the Michigan-Indiana state line.
- Recover or re-establish monuments at certain points along the line as established in the 1827 Federal survey that defined the line.
- Compile documents and records verifying mileposts and process them with the State Survey and Remonumentation Commission.
- Resolve any controversies regarding the location of the mileposts defining the Michigan-Indiana state line.
- Not replace lost corner positions if Indiana did not participate in the survey and remonumentation project as authorized by Indiana law.
- Meet and collaborate with a similar commission established by the state of Indiana or a representative of that commission.
- Submit the survey to the Michigan Legislature for approval by public act upon completion of the survey and remonumentation.
- Complete a report to accompany the survey that states whether there were differences between the survey and the survey of a similar commission from Indiana, and explain those differences, if any.
- File a Michigan land corner recordation certificate with the appropriate county register of deeds and a copy with the State Survey and Remonumentation Commission in the case of mileposts set at or near the shores of lakes or large rivers if the Legislature approved the survey.

-- Negotiate contracts with entities incorporated in Michigan or with a principal place of business in Michigan to procure professional surveying services.

The Director of the Department of Licensing and Regulatory Affairs would have to convene the first meeting of the Commission; after that, the Commission would have to meet at least quarterly. At the first meeting, the Commission would have to elect a chairperson and any other officers it considered necessary and appropriate. It also would have to meet at the call of the chairperson or when so requested by six or more members. A vote in favor by a majority of the members serving would be required for an action of the Commission. A majority of the members from Michigan and a majority of the members from Indiana would constitute a quorum.

The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

Senate Bill 628 would amend the State Survey and Remonumentation Act to allow the Legislature to appropriate up to \$500,000 from the State Survey and Remonumentation Fund to pay Michigan's equitable share of the costs of administering the remonumentation under Senate Bill 627 (S-3).

Senate Bill 627 (S-3) would be repealed effective January 1, 2026. Senate Bill 628 is tie-barred to Senate Bill 627.

MCL 54.272 (S.B. 628)

FISCAL IMPACT

The bills likely would have a negative fiscal impact on State government and on local units of government, particularly counties.

Under SB 628, the Legislature could appropriate a total of \$500,000 from the Survey and Remonumentation Fund to pay Michigan's equitable share of the costs of completing the remonumentation of the Michigan-Indiana border under SB 627 (S-3). The bill would not appropriate any funds.

As of October 2021, the estimated revenue to the Fund in fiscal year (FY) 2020-2021 totaled \$8.2 million. Revenue is derived from recording fees collected by county registers of deeds; currently, the recording fee remitted to the Fund is \$4. Under the Revised Judicature Act, this fee will revert to its previous level of \$2 on January 1, 2023. Fund revenue supports departmental functions but primarily funds grants to counties for county plans under the Survey and Remonumentation Act (Public Act 345 of 1990). Local grants from the Fund totaled \$6.8 million in FY 2020-21. An appropriation of \$500,000 from the Fund could result in decreased revenue available for grants and county administrative costs.

The previously formed Michigan-Indiana Boundary Line Commission was established under Public Act 259 of 2010 and abolished on January 1, 2015. Before its dissolution, the Commission concluded that costs to Michigan would total approximately \$1.7 million. In addition to the actual survey and remonumentation, costs would include expenditures related to basic administrative activities and materials. Public Act 87 of 2021 appropriated \$500,000 General Fund/General Purpose to the Department of Technology, Management, and Budget (DTMB) to conduct a study of the administration and remonumentation of the border, including providing a cost estimate of a survey and the recovery or reestablishment of monuments. The study could be contracted to a third-party entity or performed by another State department in agreement with DTMB.

Although members of the Commission would not be entitled to compensation, the bill would allow commissioners to be reimbursed for actual and necessary expenses incurred while serving in that capacity.

Date Completed: 10-21-21

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