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Senata Bills 627 and 628 (as introduced 9-1-21)
Sponsor: Senata Kimberly LaSata
Committee: Appropriations

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CONTENT

Senata Bill 627 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.

Senata 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 Senata Bill 627.

Senata Bill 627 would be repealed effective January 1, 2026. Senata Bill 628 is tie-barred to Senata Bill 627.

Senata Bill 627

The bill would create the Michigan-Indiana State Line Commission. The Commission would consist of 10 state line commissioners, five from Michigan and five from Indiana. 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. The commissioners from Indiana would have to be chosen according to Indiana law. 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:

- 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.
- File a Michigan land 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.
- 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 Labor and Economic Opportunity would have to convene the first meeting of the Commission; after that, the Commission would have to meet at least quarterly. 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.

The Act would take effect when the Director of the Department of Labor and Economic Opportunity certified to the Secretary of the Senate and the Speaker of the House of Representatives that similar legislation had been enacted in Indiana and that the legislation would enable the necessary cooperation between the two states needed to effectuate the Act, and that it would ensure that the costs and responsibilities of the Commission would be shared by the two states in an equitable manner.

MCL 54.272

FISCAL IMPACT

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

Senate Bill (SB) 627 does not specify which department would house the proposed Michigan-Indiana State Line Commission. The bill would give certain responsibilities, including the convening of the Commission's first meeting, to the Director of the Department of Labor and Economic Opportunity. Currently, responsibility for remonumentation activities lies with the Office of Land Survey and Remonumentation, which is housed within the Department of Licensing and Regulatory Affairs.

Under SB 628, the Legislature could appropriate a total of \$500,000 from the Survey and Remonumentation Fund to pay Michigan's share of the costs of completing the remonumentation of the Michigan-Indiana border under SB 627. 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.

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.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.