



March 29, 2013

ENGROSSED
SENATE BILL No. 524

DIGEST OF SB 524 (Updated March 26, 2013 12:46 pm - DI 92)

Citations Affected: IC 1-3.

Synopsis: Indiana-Michigan state boundary commission. Reconstitutes the Indiana-Michigan boundary line commission to include members from the state of Michigan. Provides for procedures for the commission's meetings and contracting with professionals to assist the commission in doing the commission's work. Describes the commission's duties. Extends the commission's expiration date from July 1, 2015, to July 1, 2018.

Effective: July 1, 2013.

Yoder, Zakas, Tallian

(HOUSE SPONSORS — WESCO, DVORAK)

January 14, 2013, read first time and referred to Committee on Appropriations.
February 4, 2013, amended, reported favorably — Do Pass.
February 7, 2013, read second time, ordered engrossed.
February 8, 2013, engrossed.
February 12, 2013, read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

February 26, 2013, read first time and referred to Statutory Committee on Interstate and International Cooperation.

March 19, 2013, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

March 28, 2013, reported — Do Pass.

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ES 524—LS 7448/DI 75+



March 29, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 524

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 1-3-2-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 0.5. As used in this chapter, "1827 survey" refers to**
4 **the original federal government survey of the Indiana - Michigan**
5 **boundary conducted during 1827.**
- 6 SECTION 2. IC 1-3-2-2.3 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2013]: **Sec. 2.3. As used in this chapter, "department" refers to**
9 **the Indiana department of administration created by IC 4-13-1-2.**
- 10 SECTION 3. IC 1-3-2-2.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2013]: **Sec. 2.5. As used in this chapter, "Indiana member" refers**
13 **to a commission member appointed under section 4.1(a)(1) of this**
14 **chapter.**
- 15 SECTION 4. IC 1-3-2-4 IS REPEALED [EFFECTIVE JULY 1,
16 2013]. **Sec. 4. (a) The commission consists of five (5) members**
17 **appointed by the governor.**

ES 524—LS 7448/DI 75+



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1 (b) Each commission member must be a surveyor registered under
2 ~~IC 25-21.5.~~

3 (c) One (1) member of the commission must be appointed from each
4 of the boundary counties:

5 (d) The commission's chair must be:

6 (1) a commission member; and

7 (2) elected by a majority of the commission members.

8 SECTION 5. IC 1-3-2-4.1 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2013]: Sec. 4.1. (a) The commission consists of the following
11 members:

12 (1) Five (5) individuals appointed by the governor. The
13 governor shall appoint one (1) member from each of the
14 boundary counties.

15 (2) Five (5) individuals from the State of Michigan appointed
16 under the laws of Michigan.

17 (b) Each of the Indiana members must be a surveyor registered
18 under IC 25-21.5.

19 (c) At the commission's first meeting, the members shall elect
20 from its members:

21 (1) the commission's chair; and

22 (2) other officers the commission considers necessary or
23 appropriate.

24 (d) After the commission's first meeting, the commission shall
25 meet quarterly. The commission may meet more frequently:

26 (1) at the call of the chair; or

27 (2) if six (6) or more commission members request a meeting.

28 (e) A quorum of the commission consists of:

29 (1) at least three (3) Indiana members; and

30 (2) at least three (3) members appointed from the State of
31 Michigan.

32 A quorum of members is required for official action of the
33 commission.

34 (f) The commission's business must be conducted during a
35 public meeting held in compliance with IC 5-14-1.5.

36 (g) A writing prepared, owned, used, in the possession of or
37 retained by the commission in the performance of an official
38 function of the commission is a public record as provided in
39 IC 5-14-3.

40 SECTION 6. IC 1-3-2-5, AS ADDED BY P.L.106-2009, SECTION
41 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
42 2013]: Sec. 5. (a) ~~An Indiana commission~~ member is not entitled to



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1 compensation for service on the commission.

2 (b) ~~A An Indiana commission~~ member is entitled to reimbursement
3 for expenses actually incurred in connection with the member's duties
4 as provided in the state policies and procedures established by the
5 ~~Indiana department of administration~~ and approved by the budget
6 agency.

7 SECTION 7. IC 1-3-2-6 IS REPEALED [EFFECTIVE JULY 1,
8 2013]. Sec. 6: The commission shall meet at least four (4) times each
9 year.

10 SECTION 8. IC 1-3-2-7 IS REPEALED [EFFECTIVE JULY 1,
11 2013]. Sec. 7: (a) The commission shall administer and oversee a
12 survey and remonumentation of the Indiana-Michigan border.

13 (b) The survey required by this section shall install relatively
14 permanent monumentation at the mile post positions as established by
15 the original government survey of October 1827. However, the
16 commission may not replace lost mile post positions if the state of
17 Michigan does not participate in the project as authorized by Michigan
18 law.

19 (c) The commission may procure professional surveying services
20 through the Indiana department of administration. A contract for
21 surveying services must be awarded to a company incorporated in
22 Indiana.

23 (d) The commission shall review the survey upon completion of
24 each mile post.

25 (e) Upon completion of the survey, the commission shall submit the
26 survey to the general assembly for ratification.

27 SECTION 9. IC 1-3-2-7.1 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2013]: Sec. 7.1. (a) The commission shall do the following:

30 (1) Administer a survey and remonumentation of the
31 Indiana-Michigan border.

32 (2) Recover or reestablish relatively permanent monuments
33 at the mileposts of the Indiana-Michigan state line as
34 established in the 1827 survey that defined that line. The
35 commission shall also recover or reestablish relatively
36 permanent monuments at the posts originally set at or near
37 the shores of lakes and large rivers of the Indiana-Michigan
38 state line as established in the 1827 survey that defined that
39 line, or witness corners for set posts.

40 (3) Compile appropriate records and documents verifying the
41 location of the monuments, and furnish those records and
42 documents to the state land office division of the department

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of natural resources established by IC 14-18-1.5-1.

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

(5) The commission shall file with the appropriate county recorder's office a recordation certificate that provides appropriate references, and Indiana East or West zone state plane coordinates, for each milepost of the posts originally set at or near the shores of lakes or large rivers determined under this chapter. A copy of those documents shall be submitted to the state land office division of the department of natural resources established by IC 14-18-1.5-1.

(6) The commission, in consultation with the department, shall procure professional surveying services through negotiated contracts for purposes of this chapter. The commission, in consultation with the department, shall use a qualification-based selection method for awarding contracts and shall award contracts only to business entities incorporated or located in Indiana.

(7) Not later than sixty (60) days after the completion of the commission's duties under this chapter, the commission shall submit a written report to the general assembly in an electronic format under IC 5-14-6. The report shall summarize the work performed under this chapter and the activities of the commission.

(b) For purposes of subsection (a)(6), "qualification-based selection" means a method of selecting professional firms to perform contractual work as follows:

(1) The selection of professional firms to provide a service must be based first upon the qualifications of the professional firms to perform the required work.

(2) After the qualified professional firms have been chosen by the commission, the department shall negotiate the cost of the services.

(3) If price negotiations cannot be completed satisfactorily with the highest ranked professional firm, these negotiations cease and negotiations begin with the professional firm that is next most qualified to perform the required work. This process shall continue until a professional firm is selected to perform the services.

SECTION 10. IC 1-3-2-8, AS ADDED BY P.L.106-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. This chapter expires July 1, ~~2015~~: **2018**.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 524, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Page 4, delete lines 38 through 42.

Page 5, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 524 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred Senate Bill 524, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, delete ",".

Page 3, line 42, delete "department." and insert **"state land office division of the department of natural resources established by IC 14-18-1.5-1."**

Page 4, line 9, delete "department." and insert **"state land office division of the department of natural resources established by IC 14-18-1.5-1."**

and when so amended that said bill do pass.

(Reference is to SB 524 as printed February 5, 2013.)

CULVER, Chair

Committee Vote: yeas 10, nays 0.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 524, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 17, nays 0.

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