

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.

SENATE ENROLLED ACT No. 524

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 1-3-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. As used in this chapter, "1827 survey" refers to the original federal government survey of the Indiana - Michigan boundary conducted during 1827.**

SECTION 2. IC 1-3-2-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.3. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.**

SECTION 3. IC 1-3-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.5. As used in this chapter, "Indiana member" refers to a commission member appointed under section 4.1(a)(1) of this chapter.**

SECTION 4. IC 1-3-2-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. **Sec. 4. (a) The commission consists of five (5) members appointed by the governor.**

(b) Each commission member must be a surveyor registered under IC 25-21-5.

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

(d) The commission's chair must be:

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- (1) a commission member; and
- (2) elected by a majority of the commission members.

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

- (1) Five (5) individuals appointed by the governor. The governor shall appoint one (1) member from each of the boundary counties.
- (2) Five (5) individuals from the State of Michigan appointed under the laws of Michigan.

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

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

- (1) the commission's chair; and
- (2) other officers the commission considers necessary or appropriate.

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

- (1) at the call of the chair; or
- (2) if six (6) or more commission members request a meeting.

(e) A quorum of the commission consists of:

- (1) at least three (3) Indiana members; and
- (2) at least three (3) members appointed from the State of Michigan.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Administer a survey and remonumentation of the Indiana-Michigan border.
- (2) Recover or reestablish relatively permanent monuments at the mileposts of the Indiana-Michigan state line as established in the 1827 survey that defined that line. The commission shall also recover or reestablish relatively permanent monuments at the posts originally set at or near the shores of lakes and large rivers of the Indiana-Michigan state line as established in the 1827 survey that defined that line, or witness corners for set posts.
- (3) Compile appropriate records and documents verifying the location of the monuments, and furnish those records and documents to the state land office division of the department 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



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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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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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