



**House
Legislative
Analysis
Section**

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TWP. WATER IMPROVEMENTS

AS ENROLLED

**House Bill 4493 (Substitute H-1)
First Analysis (5-18-95)**

**Sponsor: Rep. Howard Wetters
Committee: Conservation, Environment
and Great Lakes**

THE APPARENT PROBLEM:

It is common practice, in areas bordering the Great Lakes, to have inland properties connected to the lake by channels. These channels provide boating enthusiasts with access to the larger lake. In some areas, these channels are old and need repairs. However, since the channels were, in most cases, developed years ago by private property owners and developers, there exists no established organization with the authority to both levy assessments to pay for the repairs and to carry out the work involved. This situation has arisen in a Bay County lakeside area. Consequently, legislation has been proposed that would allow townships to pay for improvements to bodies of water by creating special assessment districts, in the same manner in which they finance construction and maintenance of other kinds of local infrastructure.

THE CONTENT OF THE BILL:

House Bill 4493 would amend Public Act 188 of 1954, the primary enabling statute under which townships gain authority to create special assessment districts to pay for local or public improvements, to permit townships to finance improvements to bodies of water. Currently, the act specifies the improvements that townships may finance by special assessments. The bill would expand the list to include the construction, improvement, and maintenance of certain bodies of water. Specifically, the bill would include a lake, pond river, stream, lagoon, or other body of water, or the improvement of a body of water, including the dredging of such bodies of water. In addition, the bill would include dams and other structures used to retain water for recreational purposes.

House Bill 4493 would specify that bodies of water under the jurisdiction of a county drain commissioner could not be improved without the drain commissioner's written approval. The bill would also clarify that financing for combined storm

and sanitary sewer systems could be used only for the improvement and maintenance, and not for the construction, of such systems.

MCL 41.722 et al.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no impact on state funds. (5-10-95)

ARGUMENTS:

For:

The primary enabling statute which grants townships the authority to pay for certain types of public improvements by special assessment contains a list of public improvements that may be financed in this manner. Included in the list are lighting systems, roads and parks, tree planting, and weed control. The bill would add improvements on bodies of water such as lakes, ponds, rivers, and dams to the list of permitted improvements. The bill would particularly assist townships in Bay County, where inland properties have access to Saginaw Bay through channels that currently are in need of repairs. The bill would also come to the aid of townships in other areas that may find it necessary to pay for improvements on other bodies of water.

POSITIONS:

The Michigan Townships Association supports the bill. (5-16-95)

The Michigan Boating Industries Association supports the bill. (5-16-95)

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