

Legislative Analysis



DRAIN BOARDS OF DETERMINATION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4283

Sponsor: Rep. Rick Jones

Committee: Local Government and Urban Policy

Complete to 2-28-05

A SUMMARY OF HOUSE BILL 4283 AS INTRODUCED 2-15-05

House Bill 4283 would amend the Drain Code of 1956 to increase the size of drain boards of determination and revise the criteria for membership, as well as revise the standards for determining the necessity of projects.

Under the bill a board of determination would consist of five individuals. At least one member of the board would have to be an elected or appointed official of a local government, other than a city, village, or township all or part of which is included in the drainage district.

Currently under the law, a board of determination is made up of three disinterested property owners who are residents of the county but not of a township, city, or village affected by the drain. Further, they may not be members of the county board of commissioners of the county. Under the bill, the members of the determination board would continue to be disinterested property owners who are county residents, but not residents of an affected jurisdiction. They still could not be members of the county board of commissioners.

The current law also specifies the determination board must issue its determination after hearing evidence whether the drain is "conducive to public health, convenience, or welfare." House Bill 4283 would retain this provision, but also require the determination board to make the determination "considering [the drain's] costs and benefits."

The law specifies the drain commissioner must send notice, by first class mail, of the time, date, and place of the determination board's meeting to each person whose name appears on the last city, village, or township tax assessment roll as owning land with the "special assessment district." Under House Bill 4283, this provision would be retained but the drain commissioner would be required to notify each person owning land in the "drainage district."

Finally, House Bill 4283 would allow the governing board of a municipality to appeal the order of a determination board to the circuit court having jurisdiction in the county. Currently the law specifies that an appeal be filed in the probate court.

MCL 280.72

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local governmental units.

Legislative Analyst: J. Hunault
Fiscal Analyst: Kirk Lindquist

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