



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 715 (Substitute S-1 as reported)
Sponsor: Senator Gerald Van Woerkom
Committee: Local, Urban and State Affairs

(as enrolled)

Date Completed: 9-21-09

RATIONALE

Under the Drain Code, the county drain commissioner must give notice for the receipt of bids for the construction of a drain and for the holding of a public meeting to review the apportionment of benefits. The notice must contain specified information, such as the date, time, and place of receiving bids and of the public meeting, and a description of the land constituting the special assessment district for the drain. It has been suggested that additional statements should be included in the notice in order to give taxpayers more information about the process.

CONTENT

The bill would amend the Drain Code to expand the information that must be included in a notice of a public meeting to review the apportionment of benefits of a proposed drain.

Specifically, in addition to information required currently, the notice would have to include the following information:

- A statement that, at the meeting to review the apportionment of benefits, the drain commissioner would have the tentative apportionments against parcels and municipalities within the drainage district available to review.
- A statement that drain assessments against land would be collected in the same manner as property taxes.
- A statement that if drain assessments against land were collected by installment, the land owner could pay them in full with any interest to date at

any time and thereby avoid further interest charges.

MCL 280.154

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would add a measure of transparency to the process by which the costs for drain projects are allocated to property owners. Currently, notices under the Code do not adequately convey the purpose of the public hearing; thus, many people are unaware that they should attend the meeting to find out whether they will be subject to a drainage assessment and how much it will be, learn about their rights in the process, and discuss concerns with the drain commissioner.

Response: The bill would address only one problematic aspect of the Drain Code. Procedures under the Code generally are not conducive to effective public input; they discourage residents who have concerns or grievances about drain projects and assessments from voicing their opinions in a public forum. The entire statute should be revised to create more fairness throughout the process.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no effect on State revenue or expenditures. The bill could

affect the expenses of local units depending on how much information a local unit currently provides in the required notices. For units where the bill would require more information, it could minimally increase expenses for publishing notices.

Fiscal Analyst: David Zin

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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.