

SUBSTITUTE FOR
SENATE BILL NO. 715

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending section 154 (MCL 280.154).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 154. (1) The commissioner shall give notice **AS DESCRIBED**
2 **IN SUBSECTION (3)** for the receiving of bids for the construction of
3 the drain and for the holding of a public meeting ~~. At the meeting~~
4 ~~a review shall be made of~~ **TO REVIEW** the apportionment of benefits.
5 ~~The notice shall specify the time and place of receiving bids, and~~
6 ~~the time and place of the meeting for review of apportionment. The~~
7 meeting shall be not less than 5 nor more than 30 days after the
8 date set for receiving bids.
9 (2) The notice **UNDER SUBSECTION (1)** shall be given by
10 publication of at least 2 insertions in a newspaper published and

1 of general circulation in the county. The first publication shall
2 be at least 10 days before the date set for receiving bids.

3 (3) The drain commissioner shall **ALSO** send **THE** notice **UNDER**
4 **SUBSECTION (1)** by first-class mail ~~of the time, date, and place of~~
5 ~~the meeting,~~ at least 10 days before the date of the meeting **TO**
6 **REVIEW THE APPORTIONMENT OF BENEFITS**, to each person whose name
7 appears upon the last city or township tax assessment roll as
8 owning land within the special assessment district, at the address
9 shown on the roll. If an address does not appear on the roll, then
10 notice need not be mailed to the person. The drain commissioner
11 shall make an affidavit of the mailing and shall recite in the
12 affidavit that the persons to whom the notice was mailed ~~7~~
13 constitute all of the persons whose names and addresses appear upon
14 the tax rolls as owning land within the particular special
15 assessment district. The affidavit ~~shall be~~ **IS** conclusive proof
16 that notice was mailed to each person to whom notice is required to
17 be mailed. If notice has been sent by first-class mail as provided
18 in this section, the failure to receive notice by mail ~~shall~~ **DOES**
19 not constitute a jurisdictional defect invalidating a drain
20 proceeding or tax. If the board of determination determines that
21 the drain is necessary for the protection of the public health and
22 that the whole cost of the drain, except that part which may be
23 apportioned for benefits to highways, shall be apportioned to
24 municipalities, then mailing of individual notices to persons
25 owning land within the special assessment district as provided in
26 this ~~section shall~~ **SUBSECTION IS** not ~~be~~ required.

27 (4) ~~(2)~~ The notice **UNDER SUBSECTION (1)** shall ~~also contain the~~

~~names of the counties, cities, townships, or villages to be~~
~~assessed at large, and shall be~~ personally served on the county
clerk and 1 or more members of the road commission of a county or
road district, the supervisor of a township, the mayor of a city,
and the president of a village to be assessed at large.

(5) The notice **UNDER SUBSECTION (1)** shall contain ~~a~~**ALL OF THE**
FOLLOWING:

(A) THE DATE, TIME, AND PLACE OF RECEIVING BIDS.

(B) THE DATE, TIME, AND PLACE OF THE MEETING TO REVIEW THE
APPORTIONMENT OF BENEFITS.

(C) A STATEMENT THAT, AT THE MEETING TO REVIEW THE
APPORTIONMENT OF BENEFITS, THE DRAIN COMMISSIONER WILL HAVE
AVAILABLE TO REVIEW THE TENTATIVE APPORTIONMENTS AGAINST PARCELS
AND MUNICIPALITIES WITHIN THE DRAINAGE DISTRICT.

(D) A STATEMENT THAT DRAIN ASSESSMENTS AGAINST LAND WILL BE
COLLECTED IN THE SAME MANNER AS PROPERTY TAXES.

(E) A STATEMENT THAT IF DRAIN ASSESSMENTS AGAINST LAND ARE
COLLECTED BY INSTALLMENT, THE LAND OWNER MAY PAY THE ASSESSMENTS IN
FULL WITH ANY INTEREST TO DATE AT ANY TIME AND THEREBY AVOID
FURTHER INTEREST CHARGES.

(F) THE NAME OF EACH COUNTY, TOWNSHIP, CITY, OR VILLAGE TO BE
ASSESSED AT LARGE.

(G) A description of the land constituting the special
assessment district for the drain. The description may be stated by
designating the boundaries of the special assessment district by
streets, highways, parcels, or tracts of land or by describing the
tracts or parcels of land constituting the district. A tract or

1 parcel need not be subdivided beyond the point where the whole of
 2 the tract or parcel is within the drainage district. ~~or to describe~~
 3 ~~the drain further than by reference to it by its~~

4 (H) **THE** name or number **OF THE DRAIN**.

5 (I) The ~~notice shall also state the number and length of~~
 6 sections, the average depth and width of each section, and ~~in case~~
 7 ~~of~~ **IF THE DRAIN WILL BE A** closed drains **DRAIN**, the amount and
 8 specifications of all tile or pipe required.

9 (J) The ~~notice shall contain the location, number, type, and~~
 10 size of all culverts and bridges. ~~and the~~

11 (K) **THE** conditions upon which the contract will be awarded.

12 (6) The notice **UNDER SUBSECTION (1)** need not contain minutes
 13 of survey or **A** table of cuttings. ~~which~~ **THESE** shall be kept on file
 14 in the office of the drain commissioner.

15 (7) ~~(3)~~ Bids shall be received and ~~computation of the total~~
 16 cost of the drain shall be ~~made~~ **COMPUTED** before the time set for
 17 review of the apportionment. ~~, and the~~ **THE** computation shall be
 18 open to inspection. If the computation is not completed before the
 19 day of review, the review may be adjourned from time to time, not
 20 more than 20 days in all, for the completion of the computation, or
 21 a new hearing may be called with similar notice, by publication and
 22 service at least 10 days before the hearing. If the contracts on
 23 which the computation was based are not executed and new contracts
 24 ~~shall be~~ **ARE** let at a higher price, a ~~corrected~~ **THE** computation
 25 shall be ~~made~~ **CORRECTED** and a new review held with a similar
 26 notice. At the **DATE**, time, and place fixed in the notice, or at
 27 another **DATE**, time, and place to which the county drain

1 commissioner may adjourn the hearing, the apportionment of benefits
 2 and the lands ~~comprised within~~ **CONSTITUTING** the special assessment
 3 district shall be subject to review for at least 1 day. The review
 4 shall be held open from 9 a.m. until 5 p.m. ~~On~~ **AT** the review, the
 5 county clerk or the county road commission may appear on behalf of
 6 the county or a road district; the supervisor ~~or commissioner of~~
 7 ~~highways~~ of a township may appear on behalf of a township; the
 8 mayor or an officer of the city designated by the mayor may appear
 9 for a city; the president may appear on behalf of a village. At the
 10 review the county drain commissioner shall hear the proofs and
 11 allegations, ~~and~~ shall carefully reconsider and review the
 12 description of land comprised within the special assessment
 13 district, the several descriptions and apportionment of benefits,
 14 and **SHALL** define and equalize the land as is just and equitable.

15 (8) ~~(4) When~~ **IF** an apportionment of benefits is made against a
 16 state trunk line highway, unless the ~~state highway~~ director **OF THE**
 17 **STATE TRANSPORTATION DEPARTMENT** consents in writing to the
 18 apportionment, the drain commissioner, at least 20 days before the
 19 review on the ~~trunk line~~ **HIGHWAY**, shall notify by registered mail
 20 the ~~state highway~~ director **OF THE STATE TRANSPORTATION DEPARTMENT**
 21 of the percentage apportioned against the highway and the date,
 22 time, and place fixed for a review of apportionment of benefits. If
 23 the ~~state highway~~ director **OF THE STATE TRANSPORTATION DEPARTMENT**
 24 desires to have the apportionment of benefits reviewed by the
 25 director of the department of agriculture, the ~~state highway~~
 26 director **OF THE STATE TRANSPORTATION DEPARTMENT**, within 10 days
 27 from the receipt of the notice, shall file with the drain

1 commissioner an objection to the apportionment. The drain
2 commissioner shall notify the director of the department of
3 agriculture of the date, time, and place fixed for the review of
4 apportionments, and at the meeting the director of the department
5 of agriculture, or a deputy of the director, shall review the
6 apportionment made against the state trunk line highway ~~—AND~~
7 listen to the proofs and allegations of the parties, and may view
8 the highway benefited. The action and decision on the apportionment
9 **UNDER THIS SUBSECTION, WHEN** reduced to writing, ~~shall be~~ **IS** final.