

Legislative Analysis



COUNTY DRAIN COMMISSIONERS: REMOVE CERTAIN OBSTRUCTIONS IN WATERWAYS

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Senate Bill 1082 (Substitute H-1)
Sponsor: Sen. Dave Robertson
House Committee: Local Government
Senate Committee: Local Government and Elections

Complete to 12-5-14

A SUMMARY OF SENATE BILL 1082 (H-1) AS REPORTED BY HOUSE COMMITTEE

The bill would amend the Drain Code to authorize a drain commissioner or drainage board to remove ice, fallen trees, logjams, or other debris on a watercourse that was not a drain established under the act.

The debris could be removed if, after an inspection, a licensed professional engineer determined that the obstruction had caused or was causing any of the following damage to one or more county or inter-county drains:

- flooding,
- an imminent risk of flooding,
- increased erosion,
- channel instability,
- reduction in capacity, or
- other damage.

The drain commissioner or drainage board could undertake the removal of the debris specified in the bill after obtaining the written permission from the owner or owners of property where the debris was located and, if necessary, from the owner or owners of property to which access was required to remove the debris.

Costs incurred by the drain commissioner or drainage board would have to be charged to the benefiting drainage districts consistent with the Drain Code, and would be subject to the expenditure limit and conditions found in Section 196, if the work was performed without petition.

MCL 280.196a

FISCAL IMPACT:

As noted above, the bill would amend the Drain Code to authorize a drain commissioner or drainage board to do certain work items not currently provided for under the Drain Code – specifically, to remove ice, fallen trees, logjams, or other debris on a watercourse that was not a drain established under the act. The bill does not impose additional

mandates on a drain commissioner or a drainage board. As a result, the bill does not impose additional costs on the State of Michigan or on local county drain commissions.

Costs of projects undertaken by a drain commissioner or drainage board would depend on specific conditions of each project. The bill directs that costs incurred by a drain commission or drainage board under the bill's provisions be charged to the benefiting drainage districts consistent with the Drain Code, and would be subject to the expenditure limit and conditions found in section 196, if the work was performed without petition.

POSITIONS:

The Michigan Association of County Drain Commissioners supports the bill. (12-4-14)

The Michigan Farm Bureau supports the bill. (12-4-14)

The Michigan Soybean Association supports the bill. (12-4-14)

The Michigan Association of Counties supports the bill. (12-4-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.