

# Legislative Analysis



## **DRAIN CODE: ADD REFERENCES TO UNIFORM CONDEMNATION PROCEDURES ACT**

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

**House Bill 4793**

**Sponsor: Rep. Al Pscholka**

**Committee: Local Government**

**Complete to 10-2-13**

## **A REVISED SUMMARY OF HOUSE BILL 4793 AS INTRODUCED 5-30-13**

House Bill 4793 would amend The Drain Code of 1956 (MCL 280.75 and 280.128) to eliminate outdated provisions concerning the taking of private property, and to replace those provisions with the condemnation proceedings described in the Uniform Condemnation Procedures Act of 1980.

More specifically and under the bill, if any person whose lands would be traversed or damaged by a proposed drain had not executed a release of right-of-way, then the drainage district could institute condemnation proceedings to obtain the necessary right-of-way, an easement, or other property interest, under the Uniform Condemnation Procedures Act (1980 PA 87, MCL 213.31 to 213.75).

In addition, the bill would repeal Sections 76 to 84, 86 to 88, and 129 of the Drain Code of 1956, all of which appear to deal with condemnation and damages.

### **FISCAL IMPACT:**

Because House Bill 4793 codifies common practice pursuant to an Attorney General Opinion, No. 6336 of 1986, regarding procedures for condemnation of rights-of-way for drain purposes, the bill is not anticipated to have any fiscal implications for the Michigan Department of Agriculture and Rural Development related to responsibilities for intercounty drains, or for counties for responsibilities for county drains, or for the judiciary or local courts.

Legislative Analyst: J. Hunault  
Fiscal Analyst: Susan Frey  
Robin Risko

---

■ 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.