



Senate Fiscal Agency
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Senate Bill 1082 (as introduced 9-23-14)
Sponsor: Senator Dave Robertson
Committee: Local Government and Elections

Date Completed: 9-24-14

CONTENT

The bill would amend the Drain Code to authorize a drain commissioner or drainage board to remove certain obstructions from a watercourse that was not an existing drain, after an inspection and with the approval of landowners, if the obstruction were causing certain problems.

Specifically, notwithstanding other provisions of the Code, a drain commissioner or drainage board, after an inspection by a licensed surveyor or a professional engineer, could remove an obstruction created by ice, fallen trees, logjams, or other debris, or could remove an unlawful obstruction on a watercourse that was not an existing drain if the obstruction had caused or were causing any of the following:

- Flooding.
- Increased erosion.
- Channel instability.
- Reduction in capacity.
- Other damage to a county or intercounty drain established under the Code.

The drain commissioner or drainage board could undertake the removal of an obstruction under the bill after obtaining the written permission of the owner or owners of property where the obstruction was located and, if necessary, the owner or owners of property to which access was required to remove the obstruction. Costs incurred by the commissioner or board would have to be charged to the benefiting drainage districts consistent with the Code.

Proposed MCL 280.196a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government. A drainage commissioner or board undertaking removal of an obstruction in a waterway pursuant to the authority in the bill would incur costs to have a licensed surveyor inspect the obstruction and to obtain written permission of property owners where the obstruction was located. There also would be costs for removing an obstruction. These expenditures, however, could prevent or repair damage to a drain and reduce future costs. The decision to undertake the work would be made by the local drain commissioner or drainage board. The costs would be charged to the benefiting drainage district and would be subject to existing statutory limits and procedures in determining those charges.

Fiscal Analyst: Elizabeth Pratt

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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.