



Senate Fiscal Agency
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Senate Bill 1082 (as enacted)
Sponsor: Senator Dave Robertson
Senate Committee: Local Government and Elections
House Committee: Local Government

PUBLIC ACT 544 of 2014

Date Completed: 2-10-15

CONTENT

The bill amended the Drain Code to authorize a drain commissioner or drainage board to remove certain debris from a watercourse that is not a drain established under the Code, if a licensed professional engineer determines that the obstruction has caused or is causing certain conditions or damage to one or more established drains.

Specifically, notwithstanding other provisions of the Code, a drain commissioner or drainage board may remove ice, fallen trees, logjams, or other debris on a watercourse that is not a drain established under the Code if, upon inspection, a licensed professional engineer has determined that the debris has caused or is causing flooding, an imminent risk of flooding, increased erosion, channel instability, reduction in capacity that may cause flooding, or other damage to one or more county or intercounty drains.

The drain commissioner or drainage board may undertake the removal of ice, fallen trees, logjams, or other debris authorized by the bill after obtaining the written permission of the owner or owners of property where the debris is located and, if necessary, the owner or owners of property to which access is required to remove the debris. Costs incurred by the commissioner or board must be charged to the benefiting drainage districts consistent with the Code, and are subject to the expenditure limit and conditions set forth in Section 196 of the Code if the work is performed without petition.

(Section 196 provides that if an inspection discloses the necessity of spending money for the maintenance and repair of a drain to keep it in working order, the drain commissioner or drainage board may, without petition, spend up to \$5,000 per mile or fraction of a mile per year for maintenance and repair of a drain, excluding inspection and engineering fees and the cost of publication and mailing. The determination of the maximum expenditure allowed without a petition or resolution must be based on the total number of miles of the drain and not on the actual number of miles or location of the maintenance or repair. If the drain commissioner or drainage board finds it necessary to spend funds in excess of that limit, the additional amount may not be spent until approved by resolution of the governing body of each township, city, and village affected by more than 20% of the cost.)

The bill took effect on January 15, 2015.

MCL 280.196a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State government. A drainage commissioner or board undertaking removal of ice or debris in a waterway pursuant to the authority in the bill will incur costs to have a licensed surveyor inspect the obstruction and to obtain written permission of property owners where the obstruction is located. There also will be costs for removing an obstruction. These expenditures, however, may prevent or repair damage to a drain and reduce future costs. The decision to undertake the work will be made by the local drain commissioner or drainage board. The costs will be charged to the benefiting drainage district and are 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.