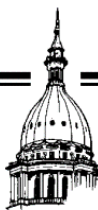




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
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House Bill 4622 (Substitute H-1 as reported without amendment)

Sponsor: Representative Al Pscholka

House Committee: Local Government

Senate Committee: Local Government and Elections

CONTENT

The bill would amend provisions of the Drain Code related to the revision of drainage district boundaries. Specifically, the bill would do the following:

- Require a county drain commissioner or intercounty drainage board either to convene a board of determination for a hearing of necessity regarding a proposed revision, or to hold a day of review of district boundaries, if, after a survey or inspection of a drain or a review of drainage district boundaries, it appeared that boundaries should be revised.
- Set forth procedures, including notice requirements, for holding a day of review.
- Require an order of the board of determination, drain commissioner, or drainage board to describe the revised boundaries upon finding that the addition or deletion of land would be just and equitable and would more accurately define the boundaries of the land benefited by the drain.
- Require an order of the drain commissioner or drainage board revising boundaries to be supported by substantial, material, and competent evidence.
- Authorize the owner of land in a drainage district, the Michigan Department of Transportation, or any city, village, township, or county in control of a highway in the district, that was aggrieved by a determination regarding a proposed revision, to institute an action in the circuit court.

Currently, after a drainage district has been established, a petition to locate, establish, and construct a drain may be filed with the county drain commissioner, and a board of determination must be appointed; property owners may petition the drain commissioner when a drain needs improvements; a county drain commissioner or the chairperson of an intercounty drainage board must call a meeting of the board of determination when land should be added to a drainage district; and various procedures must be followed when these circumstances occur. The bill would delete these provisions.

MCL 280.197

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a negligible fiscal impact on State and local government. Any additional administrative duties required under the bill would most likely be assumed by existing governmental resources.

Date Completed: 12-11-13

Fiscal Analyst: Bruce Baker