

# SENATE BILL No. 1082

September 23, 2014, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
(MCL 280.1 to 280.630) by adding section 196a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 196A. NOTWITHSTANDING OTHER PROVISIONS OF THIS ACT, A  
2 DRAIN COMMISSIONER OR DRAINAGE BOARD, AFTER AN INSPECTION BY A  
3 LICENSED SURVEYOR OR A PROFESSIONAL ENGINEER, MAY REMOVE AN  
4 OBSTRUCTION CREATED BY ICE, FALLEN TREES, LOGJAMS, OR OTHER DEBRIS,  
5 OR MAY REMOVE AN UNLAWFUL OBSTRUCTION ON A WATERCOURSE THAT IS NOT  
6 AN EXISTING DRAIN IF THE OBSTRUCTION HAS CAUSED OR IS CAUSING  
7 FLOODING, INCREASED EROSION, CHANNEL INSTABILITY, REDUCTION IN  
8 CAPACITY, OR OTHER DAMAGE TO A COUNTY OR INTERCOUNTY DRAIN  
9 ESTABLISHED UNDER THIS ACT. THE DRAIN COMMISSIONER OR DRAINAGE

1 BOARD MAY UNDERTAKE THE REMOVAL OF THE OBSTRUCTION AUTHORIZED BY  
2 THIS SECTION AFTER OBTAINING THE WRITTEN PERMISSION OF THE OWNER OR  
3 OWNERS OF PROPERTY WHERE THE OBSTRUCTION IS LOCATED AND, IF  
4 NECESSARY, THE OWNER OR OWNERS OF PROPERTY TO WHICH ACCESS IS  
5 REQUIRED TO REMOVE THE OBSTRUCTION. THE COSTS INCURRED BY THE DRAIN  
6 COMMISSIONER OR DRAINAGE BOARD UNDER THIS SECTION SHALL BE CHARGED  
7 TO THE BENEFITING DRAINAGE DISTRICTS CONSISTENT WITH THIS ACT.