

Act No. 551
Public Acts of 2014
Approved by the Governor
January 10, 2015
Filed with the Secretary of State
January 15, 2015
EFFECTIVE DATE: January 15, 2015

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Pscholka, Price, LaVoy, Dianda, Haveman, Foster and Schmidt

ENROLLED HOUSE BILL No. 5685

AN ACT to amend 1956 PA 40, entitled "An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties," by amending sections 101 and 121 (MCL 280.101 and 280.121).

The People of the State of Michigan enact:

Sec. 101. (1) Before any action is taken on a petition to locate, establish, and construct a drain that will traverse lands in more than 1 county, or affect more than 1 county, an application shall be filed with a commissioner having jurisdiction of any of the lands to lay out and designate a drainage district. The application shall tentatively describe the location and route of the proposed drain. Except as provided in subsection (2), the application shall be signed by a number of freeholders in the drainage district whose lands would be liable to an assessment for benefits, equal to 50% of any of the freeholders whose lands would be traversed by the drain or drains applied for or that abut on any highway or street along the side of which the drain extends, between a point where the drain enters the highway and the point where it leaves the highway and which lands are within the drainage district. The eligibility of the signers to the application shall be determined by their interest of record in the office of the register of deeds, in the probate court, or in the circuit court of the county in which the lands are situated at the time the petition is filed.

(2) An application under subsection (1) may be signed by a representative of the city, village, or township if authorized by its governing body, if the proposed drain is necessary for the public health of the city, village, or township, and if the city, village, or township will be liable for an assessment at large against it for a percentage of the cost of the proposed drain.

Sec. 121. (1) After an intercounty drainage district has been established and the order establishing the intercounty drainage district has been filed as provided in this act, a petition to locate, establish, and construct a drain may be filed with any commissioner having jurisdiction of any of the lands designated in the order as constituting the drainage district. The petition shall ask for the location, establishment, and construction of the drain or drains, or any part of the drain or drains, as described in the order.

(2) Subject to subsection (3), the petition under subsection (1) shall be signed by a number of freeholders in the drainage district, whose lands would be liable to an assessment for benefits, equal to 1/2 of the number of freeholders whose lands would be traversed by the drain or drains applied for, or abut on the part of any highway or street along the side of which the drain extends, between the point where the drain enters the highway and the point where it leaves the highway and which lands are within the drainage district. The petition shall be accompanied by a description of the land in the district owned by each signer and by a certificate of the county treasurer as to payment of taxes and special assessments against the lands. The certificate shall be in substantially the following form:

I hereby certify that there are no taxes or special assessments unpaid against any of the lands described in the annexed list according to the records of the county treasurer's office for the past 3 years, except as follows:

Description	Year	Tax or assessment	Amount
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(3) For purposes of determining the number of freeholders needed for a petition under subsection (2), the name of any signer as to whose land the certificate under subsection (2) shows taxes or special assessments unpaid for 3 years shall not be counted. The eligibility of the signers to the petition shall be determined by their interest of record in the office of the register of deeds, in the probate court, or in the circuit court of the counties in which the lands are situated at the time the petition is filed. In determining the number of owners whose lands are traversed by the drain, or abut the drain, the drain commissioner shall investigate the records of the register of deeds, of the probate court, and of the circuit court of the county, and shall make diligent inquiry in the community, including inquiry of anyone in possession of all of the lands traversed by the drain or abutting the drain, as to the ownership of the lands.

(4) In lieu of a petition signed by freeholders under subsection (2), the petition may be signed solely by a municipality, if authorized by its governing body, or by any combination of such municipalities, if each petitioning municipality will be liable to assessment at large for public health for any part of the cost of the proposed drain. A petition signed under this subsection is not subject to subsection (2) or (3).

(5) As used in this section, "municipality" means a city, village, or township.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor