

# Legislative Analysis

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## NOTICE FOR ENTRY ON PROPERTY FOR DRAIN MAINTENANCE PROJECTS REQUIRED

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4656 as introduced**  
**Sponsor: Rep. Joel Johnson**  
**Committee: Local Government**  
**Complete to 3-15-16**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4656 would amend three sections of the Drain Code of 1956 to require written notification to the property owner for entry onto the property for a drain maintenance project.

Now, the code provides that if the board of determination finds that the *drain is necessary for the public health and that the cost will be borne by the municipalities* (except that part which may be apportioned for benefits to highways), notice is not required.

The bill would retain that provision, but distinguish those public health improvements paid for by municipalities from *Chapter 8 improvements whose costs may be apportioned to citizens*. Chapter 8 includes drains or portions of drains entirely in one county, whose residents petition for improvements such as cleaning, widening, deepening, straightening, and extending drains. Under the bill, if these costs of maintenance work under Chapter 8 are being apportioned, the drain commissioner must send individual notice by mail to each property owner whose property is expected to be entered during the project, notifying the owner of the expected entry.

Finally, Section 196 currently requires notice to real property owners subject to an assessment for any expenditure exceeding in any one year \$5,000 per mile or fraction of a mile for maintenance and repair of a drain. House Bill 4656 would replace that provision with a requirement of notice regardless of the amount to be expended and whether the drain fund contains sufficient money to pay for the maintenance. This notice of inspection, repair, and maintenance and any assessment must be made by publication in a newspaper of general circulation within the district and by mail to people included on the last city or township assessment roll. Additionally, as provided above, a person whose property is expected to be entered for the maintenance must be informed via mail.

### FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.