Legislative Analysis

**NOTICE FOR ENTRY ON PROPERTY REQUIRED
FOR CERTAIN DRAIN PROJECTS**

House Bill 4656 (H-2) as reported from committee
Sponsor: Rep. Joel Johnson
Committee: Local Government
Complete to 4-13-16

(Enacted as Public Act 171 of 2016)

SUMMARY:

House Bill 4656 would add a section to the Drain Code of 1956 requiring written notification to the property owner for entry onto the property for any excavation or tree removal under Chapter 8 of the Drain Code, at least seven days before entry, with exceptions for public health and flooding.

This written notice would be required for excavation and tree removal under Chapter 8, which covers cleaning, widening, deepening, straightening, and extending drains, with the exception of work performed under the following two sections:

- Section 196(8): If an emergency condition exists that endangers the public health, crops, or property within a drainage district; or

- Section 196a: The removal of ice, fallen trees, logjams, or other debris on a watercourse that is not a drain established under the act if, upon inspection, it 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 governed by the Drain Code.

This bill would take effect 90 days after enactment.

Proposed MCL 280.201

FISCAL IMPACT:

The bill has no apparent material fiscal impact.

POSITIONS:

The Michigan Association of County Drain Commissioners supports this bill. (3-23-16)
The Livingston County Drain Commissioner supports this bill. (3-16-16)

Legislative Analyst: Jennifer McInerney
Fiscal Analyst: William E. Hamilton

■ 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.