



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4656 (Substitute H-2 as passed by the House)
Sponsor: Representative Joel Johnson
House Committee: Local Government
Senate Committee: Local Government

Date Completed: 5-10-16

CONTENT

The bill would amend Chapter 8 (Cleaning, Widening, Deepening, Straightening, and Extending Drains) of the Drain Code to require a drain commissioner or drainage board to give a property owner at least seven days' notice by first class mail before entering his or her property for any excavation or tree removal to be performed under Chapter 8.

The requirement would not apply to work performed under Section 196(8) or 196a of the Code.

(Section 196(8) provides for maintenance or repair to alleviate an emergency condition that endangers the public health, crops, or property within a drainage district.

Section 196a allows a drain commissioner or drainage board to remove ice, fallen trees, logjams, or other debris on a watercourse that is not a drain established under the Code if, upon inspection, a licensed professional engineer has determined that the debris 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. Section 196a requires the commissioner or board to obtain written permission from the owners of property where the debris is located and, if necessary the owners of property to which access is required to remove the debris.)

The bill would take effect 90 days after its enactment.

Proposed MCL 280.201

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would increase the operating costs of local drain commissions that plan excavation or tree removal by a minimal amount due to the requirement to notify property owners by first class mail at least seven days before performing the work. This notification would be consistent with many other provisions of the Drain Code that require notices to be sent to property owners by first class mail.

The bill would have no fiscal impact on State government.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.