

REMOVING AND ADDING COUNTIES TO DRAINAGE DISTRICTS

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House Bill 4286 as introduced
Sponsor: Rep. Roger Victory
Committee: Local Government
Complete to 3-22-17

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

SUMMARY:

House Bill 4286 would amend the Drain Code of 1956 (MCL 280.135 and 187) to modify an existing procedure and introduce a new procedure for adding and removing parts of counties from intercountry drainage districts. A more detailed description of the bill follows.

Current statute provides a method for the addition of lands in a county to an intercounty drain, but is silent on removing lands in a county from a drain. House Bill 4286 would modify an existing procedure for adding a county to an intercountry district and extend it to removing a county; and would provide a new method for adding and removing counties to existing drain districts.

The Existing Method *(to extend an intercounty drainage district into a county that was not part of the original district, updated to include removing a county from a drainage district).*

A petition signed by at least 50% of the landowners whose land is traversed by the drain or proposed extended drain must be presented to the drain commissioner in one of the counties affected by the drain (landowners whose land abuts a specific part of a highway or street that also touches a drain would now be eligible to sign).

OR

The petition may be signed solely by a city, village, or township if authorized by its governing body, and if the municipality is or will be liable for assessment for a percentage of the cost of the drain.

- The petition must state the name or number of the drain, and identify the land that would be added or removed from the drainage district.
- Upon receipt of the petition, the drain commissioner must forward the petition to the state director of the Department of Agriculture and Rural Development (MDARD) and the drain commissioner for each county impacted.
- The director of MDARD must convene a meeting of the drain commissioners (now the "drainage board") of each county impacted; at the meeting, all landowners in the current or proposed drainage district may appear.
- If the board determines the addition or removal of lands from the drainage district is necessary for the public health, convenience, and welfare, it would proceed to determine the total costs and portion borne by each county

- If the drainage board finds it necessary to revise the drainage district boundaries, it must enter an order to that effect, and provide the order to all impacted county drain commissioners and landowners
- The revised drainage board now constitutes the drainage board for the expanded district

The Proposed New Method

Current statute allows for an annual inspection of an established drain. If after that inspection, a drain commissioner or drain board determines that lands in a county not part of the original drain district should be added, or that lands in an intercountry drainage district should be removed, the following would occur:

- The drain commissioner or drainage board must serve a notice to the MDARD director and the drain commissioner in each county impacted.
- The MDARD director must call a meeting of the drainage board.
- At least 10 days prior to that meeting, the MDARD director must send notice to each city, village, and township in the original or proposed drainage district, and to each person whose name appears on the city or township tax assessment roll as owning land in the original or proposed district.
- All landowners and any municipality affected may appear for or against the change.
- Using the evidence offered, the drainage board will determine whether the change in land is just and equitable.

If the change is just and equitable, the following steps are necessary:

- The board must file an order to that effect, giving the drain a name or number, designate the district, describe the route and course of the drain and district boundaries, and, if an intercountry drain, designate the members of the revised drainage board and determine the apportionment.
- The order must be filed with the drain commissioners in each county liable for assessment.
- If the revised drainage district is an intercountry district, the revised drainage board must revise the district boundaries using procedures described in statute (the same revision and procedure is required of the drain commissioner for a county drain).

The additional or removal of a county or counties to or from a drainage district under the proposed method in HB 4286 is subject to review by an arbitration board described in the Drain Code.

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.