



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4286 (Substitute S-1 as reported)
Sponsor: Representative Roger Victory
House Committee: Local Government
Senate Committee: Local Government

CONTENT

The bill would amend the Drain Code to revise the process for adding counties to intercounty drainage districts, and establish an alternative process for the revision of drainage district boundaries. With respect to the current process, which is triggered by the filing of a petition, the bill would do the following:

- Extend the process to a county drainage district.
- Extend the process to the removal of land from a drainage district resulting in the removal of a county from the district.
- Allow a petition to be signed either by landowners whose land was traversed by the drain (as currently provided) or by landowners whose land abutted on the part of a roadway along the side of which the drain would run.
- Allow a petition to be signed solely by a city, village, and/or township, if the petitioning municipality or municipalities were or would be liable to assessments at large for a percentage of the cost of the drain.

The alternative process would apply if a drain commissioner or drainage board determined that the boundaries of a drainage district should be revised and that land in a county or counties not part of the original district should be added, or land in an intercounty district should be removed resulting in the removal of a county from the district.

MCL 280.135 & 280.197

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

Depending upon the amount of procedural activity generated by the bill and potential changes relating to statewide drainage responsibility, the bill would have an indeterminate fiscal impact on local government. There would be costs for notification in the case of petitions, as there are currently. More significantly, according to the Department of Agriculture and Rural Development, should a county be added to a drain district, then the parcels and public corporations that have never been assessed for that drain would be specially assessed (taxed) based on their benefit. If circumstances resulted in the removal of a county, then those entities would be relieved of financial liability for maintaining and improving the drain. These actions also could be followed by appeal procedures.

A proposed FY 2017-18 appropriation of \$250,000 GF/GP for the Department, as recommended by the Governor, House, and Senate, for a statewide intercounty drain mapping project, which would map the drains of the State, would have an impact, but would provide no fiscal support for the provisions of House Bill 4286 (S-1).

Date Completed: 5-24-17

Fiscal Analyst: Bruce Baker