

HOUSE BILL No. 6374

September 25, 2018, Introduced by Rep. Victory and referred to the Committee on Local Government.

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending sections 468 and 520 (MCL 280.468 and 280.520).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 468. The drainage board shall secure from a competent
2 engineer, plans, specifications, **A ROUTE AND COURSE**, and an
3 estimate of cost of the proposed drain, which, when approved and
4 adopted by the board, shall be filed with the ~~chairman thereof.~~
5 **CHAIRPERSON OF THE BOARD**. In approving the plans and
6 specifications, the drainage board ~~shall not be~~ **IS NOT** limited to
7 the route of the drain described in the petition or the final order
8 of determination. **CHANGES IN THE APPROVED ROUTE AND COURSE OF THE**
9 **DRAIN MUST BE APPROVED BY RESOLUTION OF THE DRAINAGE BOARD**. The
10 drainage board shall tentatively establish the percentage of the

1 cost of the drain or of the several sections or parts thereof which
2 ~~is to be borne~~ **OF THE DRAIN TO BE PAID** by each public corporation.
3 In making the apportionments, ~~hereunder, there shall be taken into~~
4 ~~consideration~~ **THE DRAINAGE BOARD SHALL CONSIDER** the benefits to
5 accrue to each public corporation and ~~also~~ the extent to which each
6 public corporation contributes to the conditions which make the
7 drain necessary. Apportionments against ~~the~~ **THIS** state shall be
8 based upon ~~the~~ benefits and contributions as related solely to the
9 drainage of state highways. ~~and those~~ **APPORTIONMENTS** against the
10 county shall be based **UPON BENEFITS AND CONTRIBUTIONS** as related
11 solely to the drainage of its county highways. ~~ROADS~~. Before a
12 tentative apportionment ~~shall be~~ **IS** made, the drainage board shall
13 designate the area to be served by the drain project, which may ~~or~~
14 ~~may not~~ include all of the area in a public corporation to be
15 assessed, and may divide the drain into sections or parts for
16 purposes of apportionment or construction. ~~Nothing herein contained~~
17 ~~shall prohibit the county from assuming~~ **NOTWITHSTANDING ANY OTHER**
18 **PROVISION OF THIS ACT, THE COUNTY MAY ASSUME** any additional cost of
19 the drain if 2/3 of the members elect of the county board of
20 commissioners vote in favor thereof. The apportionment ~~shall only~~
21 ~~apply~~ **UNDER THIS SECTION APPLIES ONLY** to the proposed drain. The
22 apportionments for any extensions or other work subsequently
23 performed under section 482 shall be reestablished by the board.
24 ~~When~~ **IF** chapter 25 is employed in the apportionment of costs, the
25 ~~above~~ proceedings **UNDER THIS SECTION** shall be altered and
26 supplemented as provided in chapter 25.

27 Sec. 520. The drainage board shall proceed to secure from a

1 competent engineer, plans, specifications, **A ROUTE AND COURSE**, and
 2 an estimate of cost of the proposed drain, which when approved and
 3 adopted by the board shall be filed with the **SECRETARY OF THE**
 4 **BOARD.** ~~secretary thereof.~~ In approving the plans and
 5 specifications, the drainage board ~~shall not be~~ **IS NOT** limited to
 6 the route of the drain described in the petition or the final order
 7 of determination. **CHANGES IN THE APPROVED ROUTE AND COURSE OF THE**
 8 **DRAIN MUST BE APPROVED BY RESOLUTION OF THE DRAINAGE BOARD.** The
 9 drainage board shall tentatively establish the percentage of the
 10 cost of the drain or of the several sections or parts ~~thereof which~~
 11 ~~is to be borne~~ **OF THE DRAIN TO BE PAID** by public corporations in
 12 each county affected and by ~~the~~ **THIS** state on account of any state
 13 highway, and by the county on account of any county ~~highway.~~ **ROAD.**
 14 The percentage of the cost apportioned to public corporations in
 15 each county shall then be apportioned by the drain commissioner
 16 among public corporations to be assessed in the county, ~~which~~
 17 ~~determination~~ **AND THAT APPORTIONMENT** shall be filed with the
 18 secretary of the drainage board. In making the apportionments
 19 ~~hereunder,~~ **UNDER THIS SECTION**, there shall be taken into
 20 consideration the benefits to accrue to each public corporation and
 21 ~~also the extent to which each public corporation contributes to the~~
 22 conditions ~~which~~ **THAT** make the drain necessary. Apportionments
 23 against ~~the~~ **THIS** state shall be based upon ~~the~~ benefits and
 24 contributions as related solely to the drainage of state highways.
 25 **APPORTIONMENTS** ~~, and those~~ against the county shall be based **UPON**
 26 **BENEFITS AND CONTRIBUTIONS** as related solely to the drainage of its
 27 county ~~highways.~~ **ROADS.** Before a tentative apportionment ~~shall be~~

1 **IS** made, the drainage board shall designate the area to be served
2 by the drain project, which may or may not include all of the area
3 in a public corporation to be assessed, and may divide the drain
4 into sections or parts for purposes of apportionment or
5 construction. ~~Nothing herein contained shall prohibit a county from~~
6 ~~assuming~~ **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A COUNTY**
7 **MAY ASSUME** any additional cost of the drain if 2/3 of the members
8 elect of the county board of commissioners vote in favor thereof.
9 The apportionment ~~shall apply~~ **UNDER THIS SECTION APPLIES** only to
10 the proposed drain. The apportionments for extensions or other work
11 subsequently performed under section 535 shall be reestablished by
12 the board. ~~When~~ **IF** chapter 25 is employed in the apportionment of
13 costs, the ~~above~~ proceedings **UNDER THIS SECTION** shall be altered
14 and supplemented as provided in chapter 25.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.