

Act No. 644
Public Acts of 2018
Approved by the Governor
December 28, 2018
Filed with the Secretary of State
December 28, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Victory

ENROLLED HOUSE BILL No. 6374

AN ACT to amend 1956 PA 40, entitled “An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties,” by amending sections 468 and 520 (MCL 280.468 and 280.520).

The People of the State of Michigan enact:


Sec. 468. The drainage board shall secure from a competent engineer, plans, specifications, a route and course, and an estimate of cost of the proposed drain, which when approved and adopted by the board shall be filed with the chairperson of the board. In approving the plans and specifications, the drainage board is not limited to the route of the drain described in the petition or the final order of determination. Changes in the approved route and course of the drain must be approved by resolution of the drainage board. The drainage board shall tentatively establish the percentage of the cost of the drain or of the several sections or parts of the drain to be paid by each public corporation. In making the apportionments, the drainage board shall consider the benefits to accrue to each public corporation and the extent to which each public corporation contributes to the conditions that make the drain necessary. Apportionments against this state shall be based upon benefits and contributions as related solely to the drainage of state highways. Apportionments against the county shall be based upon benefits and contributions as related solely to the drainage of its county roads. Before a tentative apportionment is made, the drainage board shall designate the area to be served by the drain project, which may include all of the area in a public corporation to be assessed, and may divide the drain into sections or parts for purposes of apportionment or construction. Notwithstanding any other provision of this act, the county may assume any additional cost of the drain if 2/3 of the members elect of the county board of commissioners vote in favor thereof. The apportionment under this section applies only to the proposed drain. The apportionments for any extensions or other work subsequently performed under section 482 shall be reestablished by the board. If chapter 25 is employed in the apportionment of costs, the proceedings under this section shall be altered and supplemented as provided in chapter 25.

Sec. 520. The drainage board shall secure from a competent engineer, plans, specifications, a route and course, and an estimate of cost of the proposed drain, which when approved and adopted by the board shall be filed with the secretary of the board. In approving the plans and specifications, the drainage board is not limited to the route of the

drain described in the petition or the final order of determination. Changes in the approved route and course of the drain must be approved by resolution of the drainage board. The drainage board shall tentatively establish the percentage of the cost of the drain or of the several sections or parts of the drain to be paid by public corporations in each county affected and by this state on account of any state highway, and by the county on account of any county road. The percentage of the cost apportioned to public corporations in each county shall then be apportioned by the drain commissioner among public corporations to be assessed in the county, and that apportionment shall be filed with the secretary of the drainage board. In making the apportionments under this section, there shall be taken into consideration the benefits to accrue to each public corporation and the extent to which each public corporation contributes to the conditions that make the drain necessary. Apportionments against this state shall be based upon benefits and contributions as related solely to the drainage of state highways. Apportionments against the county shall be based upon benefits and contributions as related solely to the drainage of its county roads. Before a tentative apportionment is made, the drainage board shall designate the area to be served by the drain project, which may include all of the area in a public corporation to be assessed, and may divide the drain into sections or parts for purposes of apportionment or construction. Notwithstanding any other provision of this act, a county may assume any additional cost of the drain if 2/3 of the members elect of the county board of commissioners vote in favor thereof. The apportionment under this section applies only to the proposed drain. The apportionments for any extensions or other work subsequently performed under section 535 shall be reestablished by the board. If chapter 25 is employed in the apportionment of costs, the proceedings under this section shall be altered and supplemented as provided in chapter 25.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor