

# HOUSE BILL NO. 6049

August 06, 2020, Introduced by Reps. Manoogian and Rabhi and referred to the Committee on Government Operations.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending sections 74 and 381 (MCL 280.74 and 280.381).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 74. ~~Commissioners~~**A commissioner** may take acknowledgments  
2 of releases of right of way and administer oaths in ~~all~~ proceedings  
3 ~~in any way~~ pertaining to drains under this act. A simple form of  
4 release of right of way and damages that ~~shall set~~**sets** forth by  
5 reference to the survey of the drain, or by other convenient



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1 description, the particular land to be conveyed and **that is** signed  
 2 and acknowledged by the person having the right to convey ~~, shall~~  
 3 ~~be deemed~~ **is** a sufficient conveyance under ~~the provisions of this~~  
 4 act. All releases for rights of way shall be ~~deemed~~ **considered** to  
 5 include sufficient ground on each side of the center line of ~~such~~  
 6 **the** drain for the deposit of the excavations ~~therefrom. It shall~~  
 7 **from the drain. It is** not be necessary for ~~the wife~~ **a spouse** to  
 8 sign the release of right of way unless ~~she~~ **the spouse** has an  
 9 interest in the land other than ~~her inchoate~~ **a** right of dower.  
 10 ~~Whenever~~ **If** a portion of a drain ~~shall~~ **will** be located within ~~any a~~  
 11 street, highway, or public place, then a resolution adopted by a  
 12 majority vote of the governing body having jurisdiction over ~~such~~  
 13 **the** street, highway, or public place granting ~~leave~~ **permission** to  
 14 construct ~~such the~~ drain therein ~~, and~~ designating the place to be  
 15 traversed by ~~said the~~ drain ~~, shall be~~ **is** a sufficient release of  
 16 the right of way ~~, and shall be deemed~~ a sufficient conveyance  
 17 under this act. ~~, and said~~ **In the resolution, the** governing body  
 18 may permit the construction of an open drain. ~~if such consent be~~  
 19 ~~set forth in such resolution.~~

20 Sec. 381. ~~Whenever the~~ **If a drain** commissioner ~~of any county~~  
 21 ~~shall receive~~ **receives** a petition asking for the laying out,  
 22 construction, cleaning out, deepening, or widening of ~~any a~~ drain,  
 23 or a petition asking ~~for~~ proceedings by virtue of which ~~any that~~  
 24 **would result in an** assessment ~~upon on~~ lands for ~~benefits received~~  
 25 ~~would result, wherein such commissioner shall be interested by~~  
 26 ~~reason of himself, wife or child, owning~~ **and if the commissioner or**  
 27 **the commissioner's spouse or child owns** lands that would be liable  
 28 to an assessment for benefits ~~upon the work or proceeding proposed~~  
 29 ~~to be done or had, and in cases where such or the commissioner may~~



1 ~~he is~~ otherwise disqualified to act in the making of apportionment  
2 of benefits, ~~such the~~ commissioner shall file a copy of ~~such the~~  
3 petition with the judge of probate of the county. ~~together with~~  
4 **The filing shall include** a statement signed by ~~him, the~~  
5 **commissioner and** showing that he **or she** is disqualified to act in  
6 making ~~such the~~ apportionment of benefits.

7 Enacting section 1. This amendatory act does not take effect  
8 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution T  
9 (request no. 02690'19) of the 100th Legislature becomes a part of  
10 the state constitution of 1963 as provided in section 1 of article  
11 XII of the state constitution of 1963.

