



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5189 (as reported without amendment)
Sponsor: Representative Robert J. Bezotte
House Committee: Local Government and Municipal Finance
Senate Committee: Local Government

CONTENT

The bill would amend the Drain Code to do the following:

- Modify the notice requirements if a petition to add or remove a county or counties to or from a drainage district were filed.
- Modify the requirements of an order issued by a drain commissioner or drainage board if it determined the boundaries of a drainage district should be revised.
- Allow a drain commissioner to appeal a drainage district's apportionments between counties or the addition or removal of a county or counties to or from the drainage district to an arbitration board.

MCL 280.135 & 280.197

BRIEF RATIONALE

When establishing an intercounty drain, participating counties decide the percentage of the drain's cost for which each county is responsible. According to testimony, if the counties disagree on the percentage split of the district's costs and the Michigan Department of Agriculture and Rural Development cannot successfully determine appropriate costs, the matter goes to an arbitration board made up of drain commissioners from other parts of Michigan. Reportedly, there is litigation in Michigan between property owners and drainage boards related to the property owners' appeals of the drain costs apportioned to them. Some people believe that property owners should not be able to appeal apportionments and so the bill would prohibit such appeals from property owners.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to Senate Bill 865 of the 2021-2022 Legislative Session.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-27-24

Fiscal Analysts: Bruce R. Baker
Bobby Canell