



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 6374 (Substitute S-1 as reported)
House Bill 6375 (Substitute S-2 as reported)
House Bill 6376 (Substitute S-3 as reported)
House Bill 6377 (Substitute S-2 as reported)
Sponsor: Representative Roger Victory
House Committee: Local Government
Senate Committee: Local Government

CONTENT

House Bill 6374 (S-1) would amend Chapter 20 (Intracounty Drains; Public Corporations) and Chapter 21 (Intercounty Drains; Public Corporations) of the Drain Code to do the following:

- Require that a drainage board secure from a competent engineer a route and course of a proposed drain, in addition to plans, specifications, and a cost estimate.
- Specify that changes in the approved route and course of the drain would have to be approved by resolution of the drainage board.

House Bill 6375 (S-2) would amend the Code to do the following:

- Allow the county drain commissioner or the intercounty drainage board to relinquish to an authority, or board of county road commissioners, or to the Michigan Department of Transportation (MDOT) jurisdiction and control of all or part of any county or intercounty drain if certain criteria were met.
- Extend to a county, authority, board of county road commissioners, and MDOT the same responsibilities that a township, city, and village currently have after relinquishing of all or part of a drain.

House Bill 6376 (S-3) would amend the Code to do the following:

- Delete a provision prohibiting the members of a board of determination from receiving more than one per diem for a day no matter how many separate matters are considered on that day.
- Address under Chapter 4 (County Drains) and Chapter 5 (Intercounty Drainage Districts) disqualification of a member of the drainage board from making an apportionment of benefits.
- Require the drainage board to file an order dismissing a petition to construct a drain that it determined was not necessary and conducive to the public health, convenience, or welfare.
- Revise the information a first order of determination would have to contain.
- Require the drainage board to determine the percentage of the whole cost of the drain to be apportioned to each county after securing the necessary property rights or interests as required by the Code.
- Specify that a drainage board could employ an attorney, as is currently specified for a county drain commissioner.

- Require attendant expenses and costs to be assessed to the drainage district in the same proportion as costs of the drain were assessed as provided in Chapter 7 (Apportionment and Review) under certain circumstances.
- Require the drainage board to apportion certain costs between counties if revolving fund money had been spent or a drainage district was obligated to pay expenses for engineering, legal, or administrative services or to pay principal and interest on notes and if other circumstances applied.
- Revise various duties of the chairperson of the drainage board.

House Bill 6377 (S-2) would amend the Code to do the following:

- Revise the number of freeholders that would have to sign an application before action may be taken on a petition to locate, establish, and construct an intercounty drain.
- Specify that a notice of a drainage board meeting would have to be served on the county clerk and a member of the board of county road commissioners of each county and certain local government administrators within the proposed drainage district at least 10 days before the public meeting.
- Specify that if a member of the drainage board would be disqualified under the Code from making an apportionment of benefits, that member would be disqualified from participation in the determination of practicability and a special commissioner would have to be appointed to serve as a member of the drainage board to determine practicability.
- Remove a requirement that a project that includes a certain tiled relief drain must comply with the provisions regarding the petition to locate, establish, and construct a drain.
- Revise the number of freeholders required to make a petition requesting maintenance or improvements of an intercounty drain or portion of a drain.

MCL 280.468 & 280.520 (H.B. 6374)
 280.395 et al. (H.B. 6375)
 280.72 et al. (H.B. 6376)
 280.101 et al. (H.B. 6377)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bills, which would amend certain procedural requirements for the regulation of intracounty and intercounty drains, would have a minimal fiscal impact on State and local government.

Date Completed: 12-19-18

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