

HOUSE BILL NO. 6428

November 12, 2020, Introduced by Reps. Bolden, Meerman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending sections 6, 54, 72, 102, 105, 106, 122, 126, 154, 157,
196, 197, 221, 391, 393, 424, 433, 441, 441a, 467, 469, 489a, 519,
521, 538a, 558, and 562 (MCL 280.6, 280.54, 280.72, 280.102,
280.105, 280.106, 280.122, 280.126, 280.154, 280.157, 280.196,
280.197, 280.221, 280.391, 280.393, 280.424, 280.433, 280.441,
280.441a, 280.467, 280.469, 280.489a, 280.519, 280.521, 280.538a,

280.558, and 280.562), sections 72, 105, 122, and 154 as amended by 2018 PA 646, section 102 as amended by 2018 PA 647, section 196 as amended by 2008 PA 509, section 197 as amended by 2017 PA 62, section 221 as amended by 2016 PA 27, and section 433 as amended by 1982 PA 449.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. All established drains regularly located and
 2 established in pursuance of law existing at the time of location
 3 and establishment and visibly in existence, which were established
 4 as drains, and all drains visibly in existence in written drain
 5 easements or rights of way on file in the office of the
 6 commissioner, shall be deemed public drains located in public
 7 easements or rights of way which are valid and binding against any
 8 owners of any property interest who became or hereafter become such
 9 owners after the location and establishment of the drain or the
 10 existence of the drain became visible or the written drain easement
 11 or right of way was executed, and the commissioner or drainage
 12 board may use, enter upon and preserve ~~such-the~~ easement or right
 13 of way for maintenance of the visible drain and any other lawful
 14 activity with respect to the ~~same-drain~~ not requiring a larger or
 15 different easement or right of way and may exercise any rights
 16 granted in the written easement or right of way on file in the
 17 office of the commissioner. Easements or rights of way, or portions
 18 of easements or rights of way, no longer necessary for drainage
 19 purposes may be conveyed or released to the fee owners by the
 20 commissioner or drainage board on behalf of the drainage district.
 21 ~~The~~ **Before January 1, 2022, the** drain commissioner or drainage
 22 board shall give at least 30 days' notice of the intention to
 23 release the excess easements by publishing a notice in a newspaper

1 of general circulation in the county or a newspaper of general
 2 circulation where the drainage district boundaries are located.
 3 **Beginning January 1, 2022, the drain commissioner or drainage board**
 4 **shall give at least 30 days' notice of the intention to release the**
 5 **excess easements by posting as provided in the local government**
 6 **public notice act.** This notice shall give a general description of
 7 the excess easements to be released and the date any taxpayers may
 8 appear to protest ~~said-the~~ release. After ~~said-the~~ date if no
 9 protests are received, the drain commissioner or drainage board may
 10 release ~~said-the~~ excess easements or portions ~~thereof-of~~ **easements**
 11 not necessary for drainage purposes.

12 Sec. 54. (1) The commissioner shall prepare and file in his **or**
 13 **her** office ~~his-an~~ order designating a drainage district. ~~and give~~
 14 ~~it~~ **The order shall do all of the following:**

15 (a) **Give the drainage district** a name or number. ~~and describe~~
 16 ~~therein~~

17 (b) **Describe** the boundaries of the **drainage** district by
 18 streets or highways or parcels of land for each of the several
 19 tracts or parcels of land included ~~therein-in the district~~ and the
 20 counties, townships, cities, villages, and state trunk line
 21 highways ~~which-that~~ would be benefited by the construction of the
 22 drains and would be liable to assessment ~~therefor, also a~~
 23 ~~description of~~ **for the construction.**

24 (c) **Describe** the drains as determined by ~~him, the~~
 25 **commissioner**, showing the beginning, route, terminus, **and** type of
 26 the proposed construction. ~~and the estimated~~

27 (d) **Estimate the** cost of ~~such-the~~ proposed construction. ~~The~~

28 (2) **Before January 1, 2022, the** commissioner shall give notice
 29 of filing the order designating a drainage district by ~~publishing a~~

~~notice~~**publication** in a newspaper of general circulation in the county ~~or~~ a newspaper of general circulation in the area where the drainage district boundaries are located. ~~which~~**Beginning January 1, 2022, the commissioner shall provide notice of filing the order designating a drainage district within the county or the area where the drainage district boundaries are located by posting as provided in the local government public notice act. The public** notice shall give a general description of the route of the proposed drain or drains and of the drainage district as shown by the order.

(3) At any time after the order designating a drainage district and giving it a name or number has been filed in the office of the drain commissioner, the order may be amended as to the name or number of the drain ~~at any time~~ by presenting to the drain commissioner of the county a petition signed by ~~no less than~~**not fewer** than 5 land owners whose land is traversed by the drain, which petition shall state the then present name or number of the drain and the change or changes to be made in the name or number. Upon receipt of ~~such~~**the** petition, and if in the drain commissioner's opinion it is ~~to~~**in** the best interest of all concerned that the name or number be changed, ~~he~~**the drain commissioner** shall make his **or her** order amending the name or number, and thereafter the drainage district shall be known by ~~such~~**that** name or number. The drain commissioner shall ~~forthwith~~**promptly** post ~~such~~ signs upon the drain as he ~~may deem~~**or she considers** advisable for public notice of the new name or number.

Sec. 72. (1) As soon as practicable after the filing of a petition, the commissioner authorized to act on the petition, if not disqualified under section 381 to make the apportionment of

1 benefits, may appoint a board of determination composed of 3
2 disinterested property owners. If the commissioner is disqualified
3 or chooses not to appoint the board of determination, the
4 commissioner shall immediately file a copy of the petition with the
5 chairperson of the county board of commissioners, together with a
6 statement, signed by the commissioner, that he or she is
7 disqualified or chooses not to act in appointing a board of
8 determination. As soon as practicable after receiving a copy of the
9 petition and certificate, the chairperson of the county board of
10 commissioners, unless he or she has a conflict of interest, shall
11 appoint a board of determination composed of 3 disinterested
12 property owners and shall immediately notify the drain commissioner
13 of the names and addresses of those appointed. If the chairperson
14 of the board of commissioners has a conflict of interest in the
15 proceedings, the drain committee of the county board of
16 commissioners shall appoint the board of determination. Members of
17 boards of determination shall be residents of the county but not of
18 a township, city, or village affected by the drain, and shall not
19 be members of the county board of commissioners of the county.

20 (2) The drain commissioner shall call a meeting of the board
21 of determination at a convenient place within the drainage district
22 or at a public building within a city, village, or township in
23 which the drain is located. If an individual appointed to the board
24 of determination fails or refuses to serve, the drain commissioner
25 shall appoint a successor. The per diem compensation and the
26 mileage and expense reimbursements of a member of the board of
27 determination shall be the same as the county board of
28 commissioners of the county. In counties where commissioners are
29 not paid on a per diem basis, the compensation and the mileage and

1 expense reimbursements shall be set by the drain commissioner. Upon
2 request, the county drain commissioner shall inform in writing the
3 requesting state legislator who represents the area in which the
4 proposed drain improvement is to be constructed of the names and
5 addresses of the persons appointed to a board of determination.

6 (3) The drain commissioner shall give public notice of the
7 time, date, and place of the meeting of the board of determination
8 in the manner required by the open meetings act, 1976 PA 267, MCL
9 15.261 to 15.275. The commissioner shall also give such notice, not
10 less than 10 days before the meeting, by all of the following
11 means:

12 (a) ~~Publication~~ **Before January 1, 2022, by publication** in a
13 newspaper of general circulation in the county.

14 (b) **Beginning January 1, 2022, by posting as provided in the**
15 **local government public notice act.**

16 (c) ~~(b) Service~~ **By service** on the county clerk and a member of
17 the board of county road commissioners of the county and on the
18 supervisor of each township and clerk of each city and village in
19 the drainage district, personally or by certified mail.

20 (d) ~~(c) Service~~ **By service** by first-class mail on each person
21 whose name appears on the last city, village, or township tax roll
22 as owning land within the drainage district, at the address shown
23 on the roll. If an address does not appear on the roll, a notice
24 need not be mailed to the person. The drain commissioner shall make
25 an affidavit of the mailing and shall recite in the affidavit that
26 the notice was mailed to all of the persons whose names and
27 addresses appear upon the tax rolls as owning land within the
28 drainage district. The affidavit is conclusive proof that notice
29 was mailed to each person to whom notice is required to be mailed

1 under this section. The failure to receive a notice by mail is not
2 a jurisdictional defect invalidating a drain proceeding or drain
3 assessment if notice was sent by first class mail as provided in
4 this subdivision.

5 (4) All expenses of notification shall be paid by the drainage
6 district when created.

7 (5) At the time and place specified in the notice, the board
8 of determination shall meet, elect a chairperson and secretary,
9 and, after considering the evidence offered, determine the
10 necessity of the proposed drain and whether the drain is conducive
11 to public health, convenience, or welfare. The board of
12 determination, if it considers it necessary, shall require the
13 county drain commissioner to obtain from the county treasurer a
14 statement showing the amount of taxes and special assessments
15 levied against the land in the proposed drainage district on the
16 tax rolls for the immediately preceding 3 years and the amount of
17 the taxes and assessments remaining unpaid. If it appears from the
18 statement that 25% or more of the taxes are unpaid on the lands,
19 further action shall not be taken. If the board of determination
20 finds, by a majority vote of the members, that the drain is not
21 necessary and conducive to public health, convenience, or welfare,
22 the board of determination shall file with the commissioner an
23 order dismissing the petition, and a further petition for the drain
24 shall not be filed within 1 year after the determination. If the
25 board of determination finds, by a majority vote, that the proposed
26 drain is necessary and conducive to the public health, convenience,
27 or welfare, the board of determination shall make an order to that
28 effect and file the order with the commissioner. Not more than 10
29 days after the board of determination files an order finding the

1 proposed drain to be necessary and conducive to the public health,
2 convenience, or welfare, the drain commissioner shall determine the
3 cities, townships, and villages within the drainage district
4 benefiting from the drain for public health and shall notify **by**
5 **certified mail** each such city, township, and village that it is
6 liable to pay a percent of the cost of construction of the drain by
7 reason of benefits at large for public health. Within 20 days after
8 the commissioner's receipt of the order of the board of
9 determination, if an appeal has not been taken under section 72a,
10 the drain commissioner shall make a first order of determination in
11 writing, giving the name or number of the drainage district and a
12 general description of the route, terminus, and type of
13 construction of the drain. The drain commissioner shall file a copy
14 of the order in his or her office.

15 Sec. 102. (1) Within 20 days after an application is filed
16 under section 101, the commissioner shall send a copy of the
17 application by certified mail to the director of the department of
18 agriculture and rural development and the drain commissioner of
19 each county in which lands that will benefit from the drain are
20 located. The drain commissioners of the counties and the director
21 of the department of agriculture and rural development or any
22 deputy designated by the director constitute the drainage board.

23 (2) The director of the department of agriculture and rural
24 development shall call a meeting of the drainage board. The meeting
25 shall be held not less than 15 and not more than 60 days after the
26 director's receipt of the application under subsection (1). The
27 meeting shall be held in the immediate locality of the proposed
28 drainage district. A notice of the meeting shall be served by the
29 respective drain commissioner on the county clerk and a member of

1 the board of county road commissioners of each county and the
 2 supervisor of each township and clerk of each city and village
 3 within the proposed drainage district ~~personally or by~~ certified
 4 mail at least 10 days before the public meeting. ~~A~~**Before January**
 5 **1, 2022, a** notice of the meeting shall be published in each county
 6 in which lands liable for assessments for the drain are located
 7 once a week for 2 consecutive weeks before the meeting in a
 8 newspaper of general circulation in the county, if there is such a
 9 newspaper. The first publication shall be at least 10 days before
 10 the meeting. **Beginning January 1, 2022, the director of the**
 11 **department of agriculture and rural development shall post notice**
 12 **within each affected county at least 10 days before the meeting by**
 13 **posting as provided in the local government public notice act.**

14 Sec. 105. (1) After considering the recommendations of the
 15 surveyor or engineer under section 104, the drainage board shall
 16 determine all of the following:

17 (a) A designation for the drainage district, by name or
 18 number.

19 (b) A description of the drainage district, which shall
 20 comprise all the land that would be benefited by and liable for
 21 assessments for the construction of the drain. The drainage
 22 district may be described by either of the following methods:

23 (i) By its boundaries of streets and highways or tracts or
 24 parcels of land.

25 (ii) By a description of all land included in the drainage
 26 district, by tracts or parcels of land, counties, townships,
 27 cities, villages, or state trunk line highways of which the
 28 district is comprised.

29 (c) A description of the drain showing the beginning, route,

1 terminus, type of construction and the estimated cost of the
2 construction.

3 (d) The percentage of the cost for laying out a drainage
4 district tentatively apportioned to each county in which any part
5 of the drainage district is located, subject to redetermination
6 under section 123. If a member of the drainage board would be
7 disqualified under sections 381 and 383 from making an
8 apportionment of benefits, both of the following apply:

9 (i) The drainage board member is disqualified from
10 participation in the determination of tentative apportionments.

11 (ii) A special commissioner shall be appointed pursuant to
12 section 382 to serve as a member of the drainage board to determine
13 tentative apportionments.

14 (2) The chairperson of the drainage board shall prepare and
15 execute an order designating an intercounty drainage district as
16 determined by the drainage board under subsection (1). Within 10
17 days after the order is executed, the chairperson of the drainage
18 board shall file a copy of the order in the office of the county
19 drain commissioner of each county in which any part of the district
20 is located. ~~The~~ **Before January 1, 2022, the** drainage board shall
21 publish notice of the filing of the order in a newspaper of general
22 circulation in each such county, once in each week for 2 successive
23 weeks. ~~The~~ **Beginning January 1, 2022, the director of the**
24 **department of agriculture and rural development shall post notice**
25 **of the filing of the order as provided in the local government**
26 **public notice act. The public** notice shall give a general
27 description of the route of the drain and of the drainage district
28 as shown by the order.

29 (3) The drain commissioner of a county traversed by the drain

1 may request in writing that the name or number of a drain as
 2 designated in an order filed under subsection (2) be changed. The
 3 request shall state the name or number of the drain and the change
 4 to be made in the name or number. The drain commissioner shall file
 5 the request in his or her office and mail a copy of the request to
 6 the director of the department of agriculture and rural development
 7 and to the drain commissioner of each county in which any part of
 8 the drainage district is located. The director of the department of
 9 agriculture and rural development or the director's designee shall
 10 call a meeting of the drainage board. The drainage board may file
 11 an order changing the name or number of the drain. ~~The~~ **Before**
 12 **January 1, 2022, the** drainage board may also order the posting of
 13 signs upon the drain for public notice of the new name or number.
 14 Copies of the order changing the name or number of the drain shall
 15 be filed with the drain commissioner and the county treasurer of
 16 each county in which any part of the drainage district is located.

17 (4) If the drainage board cannot agree as to the apportionment
 18 of costs for laying out a drainage district, the chairperson shall
 19 apportion the costs and the counties affected shall pay the costs
 20 as provided in section 302.

21 Sec. 106. **(1)** If the drain commissioner of a county ~~involved~~
 22 considers the apportionment between the counties to be unfair, the
 23 commissioner ~~shall have the right to~~ **may** have the apportionment
 24 reviewed by an arbitration board to be composed of drain
 25 commissioners from unaffected counties in this state. Within 20
 26 days after the order of apportionment provided in section 105, the
 27 commissioner shall **sign and** file with the department of agriculture
 28 **and rural development** a claim for review by arbitration ~~in which~~
 29 ~~the commissioner shall state~~ **stating** briefly in what respect he or

1 she considers the apportionment unfair and ~~request, over the~~
 2 ~~commissioner's official signature, requesting~~ a review by
 3 arbitration. The commissioner shall nominate a disinterested drain
 4 commissioner as his or her choice for the arbitration board. Upon
 5 receipt of the claim for review by arbitration, the director of the
 6 department of agriculture **and rural development** or the director's
 7 deputy shall forward to each county drain commissioner involved,
 8 except the claimant, within 10 days, a copy of the claim for review
 9 by arbitration. The commissioners, within 10 days, shall notify the
 10 department of agriculture **and rural development** of their selection
 11 to the arbitration board.

12 (2) The director of the department of agriculture **and rural**
 13 **development**, at the earliest date, consistent with ~~Act No. 267 of~~
 14 ~~the Public Acts of 1976, the open meetings act, 1976 PA 267, MCL~~
 15 **15.261 to 15.275**, but not later than 30 days after the notice,
 16 shall notify the chosen drain commissioners of a date and time they
 17 shall meet in the ~~commissioner's~~ **department's** office in Lansing. At
 18 the meeting they shall select 1 or 2 more unaffected drain
 19 commissioners in ~~the~~ **this** state to complete the board of review.
 20 Only 1 shall be selected if the board members selected by the drain
 21 commissioners affected constitute an even number, and 2 shall be
 22 selected if the board members selected by the drain commissioners
 23 affected constitute an odd number.

24 (3) Upon selection of the final members of the board of
 25 review, those members present shall set a date, time, and place in
 26 an affected county for a first ~~full~~ meeting of the **full** board of
 27 review. Notice **of the meeting shall be served by certified mail at**
 28 **least 10 days before the meeting on the county clerk of each county**
 29 **affected and the supervisor of each township traversed by the**

1 **drain. Before January 1, 2022, notice** of the meeting shall be
 2 posted in 5 public places in each county affected. ~~and be served~~
 3 ~~personally or by registered mail at least 10 days before the~~
 4 ~~meeting on the county clerk of the county and the supervisor of a~~
 5 ~~township in each county traversed by the drain. A~~ **Before January 1,**
 6 **2022, a** notice of the meeting shall be published once a week for 2
 7 consecutive weeks before the meeting in a newspaper published and
 8 of general circulation in the counties affected. **Beginning January**
 9 **1, 2022, notice of the meeting shall be posted as provided in the**
 10 **local government public notice act.** The first publication ~~is to~~
 11 **shall** be at least 10 days before the meeting. The director of the
 12 department of agriculture **and rural development** shall notify the 1
 13 or 2 drain commissioners selected of their appointment and of the
 14 date, time, and place of the next meeting of the full board.

15 (4) The board of arbitration shall convene at the time, date,
 16 and place specified, elect a chairperson and secretary, and review
 17 the fairness of the apportionment between the counties. The board
 18 may adjourn until their review is completed. The findings shall be
 19 made and signed by all the members attesting the determination of
 20 the majority of the board, and the determination by the majority of
 21 the board shall be final and conclusive as to the fairness of the
 22 apportionment.

23 Sec. 122. (1) Within 20 days after a petition to locate,
 24 establish, and construct an intercounty drain is filed under
 25 section 121, the drain commissioner shall notify by certified mail
 26 the drain commissioner for each county in which any part of the
 27 drainage district is located and the director of the department of
 28 agriculture and rural development. The chairperson shall call a
 29 meeting of the drainage board within the time set forth in section

1 102.

2 (2) The drainage board has the same powers and duties as a
3 drain commissioner with respect to a county drain, except as
4 otherwise provided in this act.

5 (3) At a meeting of the drainage board, the chairperson shall
6 not vote, except that the chairperson may cast the deciding vote in
7 case of a tie.

8 (4) Not less than 10 days before the meeting, the drainage
9 board shall give notice of the time, date, and place of the meeting
10 by all of the following means, **as applicable:**

11 (a) ~~Publication~~ **Before January 1, 2022, by publication** in a
12 newspaper of general circulation in the drainage district.

13 (b) **Beginning January 1, 2022, by posting as provided in the**
14 **local government public notice act.**

15 (c) ~~(b) Service, personally or by certified mail or, before~~
16 **January 1, 2022, personally,** on the county clerk and a member of
17 the board of county road commissioners of each county and the
18 supervisor of each township and clerk of each city and village in
19 the drainage district.

20 (d) ~~(e) Service, by first-class mail on each person whose name~~
21 appears on the last city or township tax roll as owning land in the
22 drainage district, at the address shown on the roll. If an address
23 does not appear on the roll, a notice need not be mailed to the
24 person. The drain commissioner shall make an affidavit of the
25 mailing and shall recite in the affidavit that the notice was
26 mailed to all of the persons whose names and addresses appear upon
27 the tax rolls as owning land in the drainage district. The
28 affidavit is conclusive proof that notice was mailed to each person
29 to whom notice is required to be mailed under this subdivision. The

1 failure to receive a notice by mail is not a jurisdictional defect
2 invalidating a drain proceeding or drain assessment if notice was
3 sent by first class mail as provided in this section.

4 (5) All expenses of notification shall be paid by the drainage
5 district when created.

6 (6) The drainage board shall act as the board of determination
7 and shall determine by majority vote the necessity of drains
8 proposed to be located, established, and constructed under this
9 chapter.

10 (7) The drainage board shall consider the petition and
11 evidence offered, and if it ~~is determined~~ **determines** that the drain
12 is necessary for the public health, convenience, or welfare, it
13 shall make an order to that effect and file the order with the
14 drainage board. If the drainage board determines that the drain is
15 not necessary and conducive to the public health, convenience, or
16 welfare, the drainage board shall file an order dismissing the
17 petition, and ~~further~~ **another** petition for the drain shall not be
18 filed within 1 year after the determination. Not more than 10 days
19 after the drainage board files an order finding the proposed drain
20 is necessary and conducive to the public health, convenience, or
21 welfare, the drainage board shall determine the cities, townships,
22 and villages within the drainage district benefiting from the drain
23 for public health and shall notify each such city, village, and
24 township that is liable to pay a percentage of the cost of the
25 construction of the drain by reason of benefits at large for public
26 health. Within 20 days after an order determining that the drain is
27 necessary is filed, if an appeal has not been taken under section
28 122a, the drainage board shall make a further order, signed by the
29 chairperson, to be known as the first order of determination. The

1 first order of determination shall give the name or number of the
 2 drainage district and a general description of the route, terminus,
 3 and type of construction of the drain. A copy of the order shall be
 4 filed in the office of the county drain commissioner of each county
 5 into which any part of the drainage district is located.

6 (8) If a member of the drainage board would be disqualified
 7 under sections 381 and 383 from making an apportionment of
 8 benefits, both of the following apply:

9 (a) The disqualified drainage board member shall not
 10 participate in the determination of necessity.

11 (b) A special commissioner shall be appointed pursuant to
 12 section 382 to serve as a member of the drainage board to determine
 13 necessity.

14 Sec. 126. At the time and place ~~fixed in said~~ **specified in the**
 15 notice, or at an adjourned date, the drainage board shall receive
 16 bids and let contracts for the construction of the drain in the
 17 manner prescribed in chapter 9. ~~, being sections 221 to 223.~~ If ~~no~~
 18 ~~a contract shall be let~~ **is not entered** within 5 years after the
 19 date of filing the petition to locate, establish, and construct the
 20 drain, the drainage board may determine that the petition ~~shall be~~
 21 ~~deemed~~ **is** abandoned and no further action shall be taken to
 22 construct the drain. ~~Provided, That~~ **However**, time during which any
 23 litigation ~~shall be~~ **is** pending to contest the validity of ~~such the~~
 24 proceedings ~~shall is~~ not be counted as a part of such 5-year
 25 period. If the drainage board **so** determines **that** the petition ~~shall~~
 26 ~~be is~~ abandoned, it shall issue ~~its an~~ order to that effect. ~~+~~
 27 ~~provided, that such determination of abandonment shall not be~~
 28 ~~issued within the 5 year period.~~ **Notice Before January 1, 2022,**
 29 **notice** of the order shall be given by publishing a notice in a

1 newspaper of general circulation in each county affected. ~~The~~
 2 ~~provisions of this section shall apply to all petitions which are~~
 3 ~~in full force and effect on the date of January 1, 1973, or~~
 4 ~~thereafter.~~ **Beginning January 1, 2022, notice shall be posted as**
 5 **provided in the local government public notice act.**

6 Sec. 154. (1) The commissioner shall give notice as described
 7 in subsection ~~(3)~~ **(5)** for the receiving of bids for the
 8 construction of the drain and for the holding of a public meeting
 9 to review the apportionment of benefits. The meeting shall be not
 10 less than 5 nor more than 30 days after the date set for receiving
 11 bids.

12 (2) ~~The~~ **Before January 1, 2022, the** notice under subsection
 13 (1) shall be given by publication ~~of at least 2 insertions~~ **twice** in
 14 a newspaper published and of general circulation in the county. The
 15 first publication shall be at least 10 days before the date set for
 16 receiving bids. **Beginning January 1, 2022, the notice under**
 17 **subsection (1) shall be posted as provided in the local government**
 18 **public notice act.**

19 (3) The drain commissioner shall also send the notice under
 20 subsection (1) by first-class mail at least 10 days before the date
 21 of the meeting to review the apportionment of benefits, to each
 22 person whose name appears upon the last city or township tax
 23 assessment roll as owning land within the special assessment
 24 district, at the address shown on the roll. If an address does not
 25 appear on the roll, then notice need not be mailed to the person.
 26 The drain commissioner shall make an affidavit of the mailing and
 27 shall recite in the affidavit that the persons to whom the notice
 28 was mailed constitute all of the persons whose names and addresses
 29 appear upon the tax rolls as owning land within the particular

1 special assessment district. The affidavit is conclusive proof that
2 notice was mailed to each person to whom notice is required to be
3 mailed. If notice has been sent by first-class mail as provided in
4 this section, the failure to receive notice by mail does not
5 constitute a jurisdictional defect invalidating a drain proceeding
6 or tax. If the drain commissioner determines that the drain is
7 necessary for the protection of the public health and that the
8 whole cost of the drain, except that part which may be apportioned
9 for benefits to highways, shall be apportioned to municipalities,
10 then mailing of individual notices to persons owning land within
11 the special assessment district as provided in this subsection is
12 not required.

13 (4) ~~The~~ **Before January 1, 2022, the** notice under subsection
14 (1) shall be ~~personally served~~ **by first-class mail** on the county
15 clerk and a member of the board of county road commissioners of the
16 county and on the supervisor of each township and clerk of each
17 city or village to be assessed at large.

18 (5) The notice under subsection (1) shall contain all of the
19 following:

20 (a) The date, time, and place of receiving bids.

21 (b) The date, time, and place of the meeting to review the
22 apportionment of benefits.

23 (c) A statement that, at the meeting to review the
24 apportionment of benefits, the drain commissioner will have
25 available to review the tentative apportionments against parcels
26 and municipalities within the drainage district.

27 (d) A statement that drain assessments against land will be
28 collected in the same manner as property taxes.

29 (e) A statement that if drain assessments against land are

1 collected by installment, the land owner may pay the assessments in
2 full with any interest to date at any time and thereby avoid
3 further interest charges.

4 (f) The name of each county, township, city, or village to be
5 assessed at large.

6 (g) A description of the land constituting the special
7 assessment district for the drain. The description may be stated by
8 designating the boundaries of the special assessment district by
9 streets, highways, parcels, or tracts of land or by describing the
10 tracts or parcels of land constituting the district. A tract or
11 parcel need not be subdivided beyond the point where the whole of
12 the tract or parcel is within the drainage district.

13 (h) The name or number of the drain.

14 (i) The number and length of sections, the average depth and
15 width of each section, and if the drain will be a closed drain, the
16 amount and specifications of all tile or pipe required.

17 (j) The location, number, type, and size of all culverts and
18 bridges.

19 (k) The conditions upon which the contract will be awarded.

20 (6) The notice under subsection (1) need not contain minutes
21 of survey or a table of cuttings. These shall be kept on file in
22 the office of the drain commissioner.

23 (7) Bids shall be received and the total cost of the drain
24 shall be computed before the time set for review of the
25 apportionment. The computation shall be open to inspection. If the
26 computation is not completed before the day of review, the review
27 may be adjourned from time to time, not more than 20 days in all,
28 for the completion of the computation, or a new hearing may be
29 called with ~~similar notice , by publication and service at least 10~~

~~days before the hearing.~~ **As provided in this section.** If the
 contracts on which the computation was based are not executed and
 new contracts are let at a higher price, the computation shall be
 corrected and a new review held with ~~a similar notice~~ **as provided**
in this section. At the date, time, and place fixed in the notice,
 or at another date, time, and place to which the county drain
 commissioner may adjourn the hearing, the apportionment of benefits
 and the lands constituting the special assessment district shall be
 subject to review for at least 1 day. The review shall be held open
 from 9 a.m. until 5 p.m. At the review, the county clerk or the
 county road commission may appear on behalf of the county; the
 supervisor of a township may appear on behalf of a township; the
 mayor or an officer of the city designated by the mayor may appear
 for a city; the president may appear on behalf of a village. At the
 review, the county drain commissioner shall hear the proofs and
 allegations, shall carefully reconsider and review the description
 of land comprised within the special assessment district ~~—and the~~
~~several~~ descriptions and apportionment of benefits, and shall
 define and equalize the land as is just and equitable.

(8) If an apportionment of benefits is made against a state
 trunk line highway, unless the director of the state transportation
 department consents in writing to the apportionment, the drain
 commissioner, at least 20 days before the review on the highway,
 shall notify by ~~registered~~ **certified** mail the director of the state
 transportation department of the percentage apportioned against the
 highway and the date, time, and place ~~fixed~~ for a review of
 apportionment of benefits. If the director of the state
 transportation department desires to have the apportionment of
 benefits reviewed by the director of the department of agriculture

1 **and rural development**, the director of the state transportation
 2 department, within 10 days ~~from~~**after** the receipt of the notice,
 3 shall file with the drain commissioner an objection to the
 4 apportionment. The drain commissioner shall notify the director of
 5 the department of agriculture **and rural development** of the date,
 6 time, and place fixed for the review of apportionments, and at the
 7 meeting the director of the department of agriculture **and rural**
 8 **development**, or a deputy of the director, shall review the
 9 apportionment made against the state trunk line highway and listen
 10 to the proofs and allegations of the parties, and may view the
 11 highway benefited. The action and decision on the apportionment
 12 under this subsection, when reduced to writing, is final.

13 Sec. 157. The board of review shall proceed at the time, date,
 14 and place specified in the notice to hear the proofs and
 15 allegations of the parties in respect to an appeal, shall proceed
 16 to view the lands benefited by the drain, and shall review the
 17 apportionments made by the commissioner on the drain. If in their
 18 judgment there is a manifest error or inequality in the
 19 apportionments, they shall order and make the changes in the
 20 apportionment as they may consider just and equitable. If the board
 21 of review upon personal examination finds that a land liable to be
 22 assessed for the construction of the drain is not included in the
 23 drainage district made by the commissioner, they shall add the land
 24 to the drainage district of the drain and shall adjourn the review
 25 to another time or place as they consider proper, but not in all
 26 more than 20 days from and after the time of review first
 27 advertised. The notice of the adjournment shall contain a
 28 description of lands added to the drainage district. The notice
 29 shall be given at least 10 days before the adjourned day of review.

1 ~~Should~~**Before January 1, 2022, if** the owners of land liable to an
 2 assessment ~~be~~**are** nonresidents of the county, personal notice shall
 3 be served on the owners, or a notice shall be published in a weekly
 4 newspaper published in the county, of at least 2 insertions, ~~giving~~
 5 **providing** the description of the land added to the assessment
 6 district and ~~giving~~ the time, date, and place where the board ~~shall~~
 7 **will** meet. **Beginning January 1, 2022, notice providing the**
 8 **description of the land added to the assessment district and the**
 9 **time, date, and place where the board will meet shall be posted as**
 10 **provided in the local government public notice act.** The action and
 11 decision of the board ~~shall be~~**are** final. The action and decision
 12 shall be reduced to writing and signed by a majority of the board
 13 making the decision ~~—~~and shall be delivered to the commissioner
 14 together with other papers relating to the decision.

15 Sec. 196. (1) An annual inspection may be made of a drain
 16 established under this act. Inspection shall also be made upon the
 17 request of the governing body of a public corporation, as defined
 18 in section 461, served in whole or in part by the drain to be
 19 inspected. For county drains, the inspection shall be made by the
 20 drain commissioner ~~—~~or a competent person appointed by the drain
 21 commissioner. For intercounty drains, the inspection shall be
 22 caused to be made by the drainage board.

23 (2) Surplus construction funds remaining after completion of
 24 construction of a drain, or funds remaining after completion of
 25 work performed under a petition for maintenance or improvements
 26 under this chapter, shall be deposited in the drain fund of a
 27 drainage district and shall be expended for inspection, repair, and
 28 maintenance of the drain.

29 (3) If at any time the drain fund of a drainage district

1 contains less than \$5,000.00 per mile or fraction of a mile of a
2 drain, the drain commissioner or drainage board may assess the
3 drainage district for an amount not to exceed \$2,500.00 per mile or
4 fraction of a mile in any 1 year. The amount collected under an
5 assessment shall be deposited in the drain fund of a drainage
6 district for necessary inspection, repair, and maintenance of the
7 drain.

8 (4) If an inspection discloses the necessity of expending
9 money for the maintenance and repair of a drain in order to keep it
10 in working order, the drain commissioner for a county drain, or the
11 drainage board for an intercounty drain, may without petition
12 expend an amount not to exceed in any 1 year \$5,000.00 per mile or
13 fraction of a mile for maintenance and repair of a drain, exclusive
14 of inspection and engineering fees and the cost of publication and
15 mailing. The determination of the maximum expenditure allowed
16 without a petition or resolution shall be based on the total number
17 of miles of the drain and not on the actual number of miles or
18 location of the maintenance or repair.

19 (5) If the drain commissioner or the drainage board finds it
20 necessary to expend funds in excess of the amount established in
21 subsection (4) per mile or fraction of a mile in any 1 year for the
22 maintenance and repair of a drain, the additional amounts shall not
23 be expended until approved by resolution of the governing body of
24 each township, city, and village affected by more than 20% of the
25 cost.

26 (6) If the drain fund of a drainage district does not contain
27 sufficient funds to pay for inspection, repair, and maintenance
28 authorized by this section, the drain commissioner or the drainage
29 board shall reassess the drainage district for the inspection,

1 repair, and maintenance according to benefits received. A
 2 reassessment shall be made and spread upon the city or township tax
 3 assessment roll within 2 years after the completion of the
 4 inspection, repair, and maintenance. ~~If~~ **Before January 1, 2022, if**
 5 the total expenditure is more than the amount established in
 6 subsection (4) per mile or fraction of a mile, all real property
 7 owners subject to an assessment within the drainage district shall
 8 be notified of the assessment by publication in a newspaper of
 9 general circulation within the drainage district and by first-class
 10 mail to the name and address that appears on the last city or
 11 township assessment roll. **Beginning January 1, 2022, if the total**
 12 **expenditure is more than the amount established in subsection (4)**
 13 **per mile or fraction of a mile, notice of the assessment shall be**
 14 **posted as provided in the local government public notice act and**
 15 **given by first-class mail to all real property owners subject to an**
 16 **assessment, using the name and address that appears on the last**
 17 **city or township assessment roll.** An affidavit of mailing shall be
 18 made by the drain commissioner. The affidavit is conclusive proof
 19 that the notices required by this subsection were mailed. The
 20 failure to receive the notices by mail ~~shall~~ **does** not constitute a
 21 jurisdictional defect invalidating a drain tax if notice by
 22 publication was given as required by this subsection.

23 (7) An assessment for the actual cost of inspection, repair,
 24 and maintenance performed on a drain, or an assessment to be
 25 deposited in the drain fund of a drainage district, shall be made
 26 according to benefits received. The expenditure limit ~~of the amount~~
 27 established in subsection (4) ~~per mile of drain or fraction of a~~
 28 ~~mile~~ shall be used to calculate the maximum amount that the drain
 29 commissioner or drainage board may assess in any 1 year without a

petition or a request from a public corporation. The property in a drainage district that benefits from the inspection, repair, or maintenance of the drain is subject to assessment for that inspection, repair, or maintenance. Determination of the maximum assessment amount allowed without petition or request, or of the property that is subject to assessment, shall be based on the number of miles of drain and areas of the drainage district receiving benefits and not on the actual number of miles or actual location of the inspection, repair, or maintenance.

(8) If an emergency condition exists that endangers the public health, crops, or property within a drainage district, the drain commissioner or the drainage board may expend funds for maintenance and repair to alleviate the emergency condition.

(9) ~~Nothing in this section prohibits~~ **This section does not prohibit** the drain commissioner or the drainage board from spending funds in excess of the amount established in subsection (4) per mile or fraction of a mile in any 1 year for inspection, maintenance, and repair of a drain when requested by a public corporation, if the public corporation pays the entire cost of the inspection, maintenance, and repair.

(10) In computing the amounts that may be expended in accordance with this section, the cost of work to be performed by a federal agency or public corporation that is not chargeable to the county or intercounty drainage district shall not be included, ~~nor shall it be necessary for~~ **and** the drain commissioner or the drainage board **is not required** to advertise for bids for that portion of the work to be done by the federal agency or public corporation.

(11) For purposes of this section, the costs of maintenance or

1 repair shall include the costs of maintaining the drain in working
2 order to continue a normal flow of water, including the servicing
3 or repair of necessary pumping equipment and utility charges for
4 pumping equipment; the cost of keeping the drain free from rubbish,
5 debris, siltation, or obstructions; the cost of repairing a portion
6 or all of a tile or drain to continue the normal flow of water; and
7 other costs associated with the costs ~~enumerated~~**listed** in this
8 subsection.

9 (12) If the cost of maintenance and repair of a drain includes
10 utility charges or costs to service pumping stations, sewage
11 treatment facilities, or retention basins, the limitation for
12 maintenance and repair does not apply except that the drain
13 commissioner or drainage board may levy sufficient special
14 assessments to pay the charges or costs but not more than the
15 amount sufficient to pay those charges or costs.

16 (13) Except as otherwise provided in this act, that portion of
17 the salaries, expenses, and fringe benefits of administrative and
18 engineering employees under the supervision of the drain
19 commissioner that are directly attributable, but not incidental, to
20 a drain or otherwise not recovered by fees established by
21 resolution or ordinance of the board of commissioners may be
22 ~~chargeable~~**charged** to the drain fund of a drainage district.

23 Sec. 197. (1) Upon receipt of a petition filed under this
24 chapter, the drain commissioner or the drainage board may retain
25 the services of a licensed professional surveyor or engineer to
26 make a survey of the drain and may review the drainage district
27 boundaries, or a portion of the drain or drainage district, or if
28 necessary, lay out a revised drainage district including the land
29 benefited, or make profiles, plans, or estimates of the work and

1 file all data concerning the revisions, profiles, plans, or
2 estimates with the drain commissioner or the chairperson of the
3 drainage board.

4 (2) If, after a survey of the drain or a review of the
5 drainage district boundaries under subsection (1) or after an
6 inspection under section 196, it appears that the boundaries of the
7 drainage district should be revised, the drain commissioner for a
8 county drain, or the drainage board for an intercounty drain, shall
9 either convene the board of determination pursuant to subsection
10 (4) or hold a day of review of district boundaries pursuant to
11 subsection (5) and, after notice and review as provided in this
12 section, revise the boundaries of the drainage district to include
13 all lands benefited by the drain as recommended by a licensed
14 professional surveyor or engineer.

15 (3) If, after an inspection under section 196 and a review of
16 the drainage district boundaries, a drain commissioner or drainage
17 board determines that the boundaries should be revised and that
18 lands, in a county or counties not part of the original drainage
19 district, should be added to the drainage district or lands in an
20 intercounty drainage district should be removed resulting in the
21 removal of a county from the intercounty drainage district, the
22 drain commissioner or drainage board shall serve notice on the
23 director of agriculture and rural development and the drain
24 commissioner of each county where there are lands proposed to be
25 added to or removed from the drainage district. The director of the
26 department of agriculture and rural development shall call a
27 meeting of the drainage board, which shall include the commissioner
28 of each county where the drainage district or proposed revised
29 drainage district is located. At least 10 days before the date of

1 the meeting, the drainage board shall send notice of the meeting by
2 first-class mail to each city, village, and township in the
3 original or proposed revised district and each person whose name
4 appears on the last city or township tax assessment roll as owning
5 lands in the original or proposed revised drainage district, at the
6 address shown on the roll. If an address does not appear on the
7 roll, notice need not be mailed to that person. At the meeting, all
8 persons owning lands in the drainage district or proposed revised
9 drainage district liable to assessment for benefits, or any
10 municipality affected, may appear for or against the addition or
11 removal of the lands. The drainage board shall consider any
12 evidence offered and determine whether the addition or removal of
13 the lands is just and equitable. If the addition or removal of the
14 lands is just and equitable, the board shall file an order to that
15 effect. The order shall give the drain a name or number, designate
16 the drainage district, describe the route and course of the drain
17 and drainage district boundaries, and, if the drainage district as
18 revised is an intercounty drainage district, designate the members
19 constituting the revised drainage board and determine the
20 apportionment between counties. A copy of the order shall be filed
21 with the drain commissioner of each county liable for assessments
22 of the drainage district. If the drainage district as revised is an
23 intercounty drainage district, after the order is filed, the
24 revised drainage board constitutes the drainage board for the
25 revised drainage district and has all the powers and duties of
26 drainage boards under this act. If the drainage district as revised
27 is an intercounty drainage district, the revised drainage board
28 shall revise the drainage district boundaries during the hearing of
29 necessity as provided in subsection (4) or hold a day of review of

1 drainage district boundaries as provided in subsection (5). If the
2 drainage district as revised is a county drainage district, the
3 original drainage board shall revise the drainage district
4 boundaries during the hearing of necessity as provided in
5 subsection (4) or hold a day of review of drainage district
6 boundaries as provided in subsection (5) and, following the order
7 revising the drainage district boundaries, the drain commissioner
8 shall have all the powers and duties for a county drain established
9 under this act.

10 (4) If, before the hearing of necessity for a petition, the
11 drain commissioner or drainage board determines that the boundaries
12 of the drainage district should be revised, the drain commissioner
13 for a county drain, or the chairperson of the drainage board for an
14 intercounty drain, may request that the board of determination
15 revise the drainage district boundaries during the hearing of
16 necessity as provided in section 72 or 122. If the board of
17 determination by a majority vote of members finds that the addition
18 or deletion of lands will more accurately define the boundaries of
19 the land benefited by the drain and it would be just and equitable,
20 the board shall describe the revised drainage district boundaries
21 in the order of necessity for the drain.

22 (5) If the drain commissioner or drainage board determines to
23 hold a day of review of drainage district boundaries, the lands
24 comprising the drainage district revised under this section shall
25 be subject to review for not less than 1 day from 9 a.m. until 5
26 p.m. The review shall be conducted at a location designated by the
27 drain commissioner or drainage board. At the review, the drain
28 commissioner or drainage board or its designee shall hear the
29 proofs and allegations and shall carefully reconsider and review

1 the description of land comprised within the drainage district. If
 2 the drain commissioner or drainage board finds that the addition or
 3 deletion of lands will more accurately define the boundaries of the
 4 land benefited by the drain and it would be just and equitable, the
 5 drain commissioner or drainage board shall issue an order
 6 describing and establishing the revised drainage district
 7 boundaries **as** supported by substantial, material, and competent
 8 evidence.

9 (6) A notice for review of revised drainage district
 10 boundaries under subsection (5) shall specify the date, time, and
 11 place at which the review will take place and provide a general
 12 description of the lands proposed in whole or in part to be added
 13 or removed from the drainage district. This notice shall be sent by
 14 first-class mail at least 10 days before the date of the review to
 15 each city, village, and township in the revised district, and each
 16 person whose name appears on the last city or township tax
 17 assessment roll as owning lands within the revised drainage
 18 district, at the address shown on the roll. If an address does not
 19 appear on the roll, then notice need not be mailed to that person.
 20 The drain commissioner or drainage board shall make an affidavit of
 21 the mailing and shall recite in the affidavit that the persons to
 22 whom the notice was mailed constitute all of the persons whose
 23 names and addresses appear on the tax rolls as owning lands within
 24 the revised drainage district. The affidavit is conclusive proof
 25 that notice was mailed to each person to whom notice is required to
 26 be mailed by this section. Failure to receive a notice by mail is
 27 not a jurisdictional defect invalidating a drain proceeding or
 28 assessment, if notice was sent by first-class mail as provided in
 29 this section. ~~The~~ **Before January 1, 2022, the** drain commissioner or

1 chairperson of the drainage board shall also cause the notice to be
 2 published once in a newspaper of general circulation in the county
 3 or counties in which the drainage district is located at least 10
 4 days before the review. **Beginning January 1, 2022, the drain**
 5 **commissioner or drainage board shall also post notice of the review**
 6 **of drainage district boundaries as provided in the local government**
 7 **public notice act.** All expense of notification shall be paid by the
 8 drainage district.

9 (7) The owner of any land in the drainage district, the state
 10 transportation department, or any city, village, township, or
 11 county having control of any highway in the drainage district, that
 12 is aggrieved by a determination to revise, or not to revise,
 13 drainage district boundaries as provided for in this section may,
 14 within 10 days after the order to revise **or the decision not to**
 15 **revise** the drainage district boundaries is entered, institute an
 16 action in the circuit court for the county in which the real
 17 property is located for a determination of whether the decision to
 18 revise, or not to revise, the drainage district boundaries is
 19 supported by substantial, material, and competent evidence. The
 20 addition or removal of a county or counties to or from the drainage
 21 district under subsection (3) is subject to review in the manner
 22 provided in section 106.

23 Sec. 221. (1) At the time and place established in the notice,
 24 the commissioner shall receive bids for the construction of the
 25 drain. The commissioner may, and shall for all drains having an
 26 estimated cost exceeding \$5,000.00, advertise for sealed proposals,
 27 to be opened on the day of letting. All sealed proposals received
 28 by the commissioner shall be publicly opened by him or her in the
 29 meeting and may be examined at the meeting by any person

1 interested. As soon as practical after the opening of bids for the
 2 construction of any drain, **unless the commissioner rejects all**
 3 **proposals and readvertises as in the first instance,** the
 4 commissioner shall determine the lowest responsible bidder and
 5 award contracts. ~~, or may reject all proposals and readvertise, and~~
 6 ~~in cases where~~ **If** the commissioner ~~determined~~ **determines** that the
 7 taxes assessed for benefits shall be collected in more than 1
 8 installment, the commissioner shall, subject to section 275,
 9 determine the amount, form, maturity, mandatory redemption
 10 requirements, if any, and rate of interest of bonds to be issued.
 11 In counties having a board of county auditors, drain bonds shall
 12 not be sold and drain contracts shall not be let without the
 13 written consent and approval of the board of county auditors.
 14 However, the approval of the board of county auditors is not
 15 required in proceedings relative to intercounty drains.

16 (2) If a contract is not let within 5 years after the date of
 17 filing the petition to locate, establish and construct, or deepen,
 18 widen, straighten, tile, extend or clean out a drain, the drain
 19 commissioner may determine that the petition shall be considered
 20 abandoned and no further action shall be taken to construct the
 21 drain. Time during which any litigation is pending to contest the
 22 validity of the proceedings shall not be counted as a part of ~~such~~
 23 **the** 5-year period. If the drain commissioner determines the
 24 petition shall be considered abandoned, the commissioner shall
 25 issue an order to that effect. However, a determination of
 26 abandonment shall not be issued within the 5-year period. ~~Notice~~
 27 **Before January 1, 2022, notice** of the order shall be given by
 28 ~~publishing a notice~~ **publication** in a newspaper of general
 29 circulation in the county. ~~This section applies to all petitions~~

~~that are in full force and effect on or after January 1, 1973.~~

Beginning January 1, 2022, notice of the order shall be posted as provided in the local government public notice act.

(3) The board of county road commissioners, if authorized by a committee of commissioners appointed by the county board of commissioners, may bid for the construction, cleaning, deepening and widening of drains within the county, and, if a bid is accepted, may perform the work called for in the bid, and receive payment for the work performed. A bid tendered by a board of county road commissioners shall not be accepted unless the bid is at least 15% lower than any other bid tendered. The money received by the county road commission shall be credited to the county road fund, and expenditures incurred by the county road commission shall be proper disbursements from the county road fund.

Sec. 391. Any drain or part ~~thereof~~**of a drain** which has ceased to be of public utility and is no longer necessary or conducive to the public health, convenience, and welfare may be declared to be abandoned and vacated in the manner ~~herein~~**in this section**. Any 5 freeholders of lands in a drainage district or the governing body of any public corporation in whose limits a drain or part ~~thereof~~**of a drain** is located may petition for the abandonment and vacation of a drain or part ~~thereof~~**of the drain**. The petition shall be addressed to and filed with the commissioner or drainage board having jurisdiction of ~~such~~**the** drain. The commissioner or drainage board shall hold a meeting to hear objections to the petition and to the abandonment and vacation of a drain or part ~~thereof~~**therein requested, and of a drain. Before January 1, 2022, the commissioner or drainage board** shall give notice of ~~such~~**the** meeting **at least 10 days before the date of the**

1 **meeting** by posting in 5 public places in the drainage district and
 2 by publication in a newspaper of general circulation in the
 3 drainage district. ~~which posting and publication shall occur at~~
 4 ~~least 10 days before the date of such meeting.~~ **Beginning January 1,**
 5 **2022, the commissioner or drainage board shall post notice at least**
 6 **10 days before the date of the meeting as provided in the local**
 7 **government public notice act. In addition, beginning January 1,**
 8 **2022, the commissioner or drainage board shall mail notice of the**
 9 **meeting to the director of the state transportation department and**
 10 **the county clerk and board of county road commissioners of each**
 11 **county and the clerk of each city, village, or township in which**
 12 **all or part of the drainage district is located, at least 10 days**
 13 **before the date of the meeting.** Private rights of persons acquired
 14 by reason of the establishment and construction of ~~such-a~~ drain or
 15 part ~~thereof-of a drain~~ shall not be interfered with, ~~or~~ in any
 16 way be impaired by ~~such~~-abandonment and vacation. If it is
 17 determined at ~~such-a~~ meeting that the drain or part ~~thereof-of the~~
 18 **drain** should be abandoned and vacated, the commissioner or drainage
 19 board shall issue an order to that effect and file the ~~same-order~~
 20 with the commissioner of the county or counties involved. Easements
 21 or rights-of-way for the drain or part ~~thereof-of the drain~~
 22 abandoned and vacated or easements or portions thereof no longer
 23 necessary for drainage purposes shall be conveyed or released by
 24 the commissioner or drainage board on behalf of the drainage
 25 district. ~~If it be contemplated to construct a~~ **A** new drain or part
 26 ~~thereof-of a drain may be constructed~~ on or near the line of an
 27 existing drain or part ~~thereof-of a drain, this may be accomplished~~
 28 without abandonment and vacation of the existing drain or part
 29 ~~thereof-of the drain, and using~~ the easements or rights-of-way of

1 the existing drain or part ~~thereof may be used~~ **of the drain** for
 2 this purpose. ~~÷ Provided, however, That~~ **However**, if the
 3 ~~contemplated project~~ **will** materially ~~damages~~ **damage** the property
 4 owner beyond the existing easement ~~, or if it materially burdens~~
 5 **burden** the existing easement, ~~then~~ the commissioner or drainage
 6 board shall secure an additional easement for the contemplated
 7 project. It ~~shall~~ **is** not ~~be~~ necessary to abandon and vacate an
 8 existing drain or part ~~thereof~~ **of the drain** made unnecessary by a
 9 new drain or part ~~thereof~~ **of the drain** until the new drain is
 10 constructed and ready for service.

11 Sec. 393. Upon receiving ~~such~~ **the** money, and the accompanying
 12 statement, if required to be furnished, ~~hereby~~, the township
 13 treasurer shall give his **or her** receipt ~~therefor~~ to the county
 14 treasurer. He **or she** shall also serve notice upon each person,
 15 firm, or corporation who, as shown by the records of his **or her**
 16 office, ~~shall have~~ **has** paid a special ~~tax~~ **assessment** for benefits
 17 received or to be received from the construction of ~~such~~ **the** drain,
 18 that ~~such~~ **the** drain has been declared vacated and abandoned and
 19 that the payment ~~as aforesaid~~ **of the special tax** has been made to
 20 him **or her** by the county treasurer. ~~Similar~~ **The** notice shall also
 21 be served upon the township ~~board and clerk~~. **Before January 1,**
 22 **2022, the notice** shall be published for 2 successive weeks in ~~some~~
 23 **a** newspaper published and circulating in ~~said~~ **the** county. **Beginning**
 24 **January 1, 2022, notice shall be posted as provided in the local**
 25 **government public notice act.** Thereupon, every such person, firm,
 26 or corporation ~~shall be~~ **is** entitled to demand and receive from ~~said~~
 27 **the** township treasurer the amount of the special assessment that
 28 ~~such~~ **the** person, firm, or corporation ~~may have so~~ paid. The amount
 29 of the special tax for the construction of ~~such~~ **the** drain that may

1 have been assessed and collected from the township at large shall
 2 be credited to and paid into the contingency fund in the township
 3 treasury. ~~÷ Provided, however, That~~ **However**, if the amount of money
 4 paid over to the township treasurer by the county treasurer ~~in the~~
 5 ~~manner aforesaid~~ **as described in this section** is less than the
 6 aggregate amount of special assessments levied and collected in
 7 ~~such the~~ township for the construction of ~~such the~~ drain and the
 8 tax levied and collected upon and from the township at large, then
 9 the township treasurer shall prorate the payments to each ~~such~~
 10 person, firm, or corporation and the amount to be paid into the
 11 general fund in the township treasury; and each ~~such~~ person, firm,
 12 or corporation and the contingency fund in the township treasury
 13 ~~shall be~~ **is** entitled to receive ~~such a~~ proportion of the amount of
 14 the special assessment or tax paid ~~thereby~~ as the amount of money
 15 paid to the township treasurer by the county treasurer ~~shall bear~~
 16 **bears** to the total amount of special assessments and taxes levied
 17 and collected in ~~said the~~ township and paid into the fund for the
 18 construction of ~~said the~~ drain.

19 Sec. 424. **(1)** Whenever a disposal plant, filtration plant, or
 20 other mechanical device to purify the flow of such drain or sewer
 21 has been ~~heretofore~~ constructed, but is inoperative or improperly
 22 operated and, in the opinion of the ~~state commissioner of~~ **director**
 23 **of the department of health and human services**, the public health
 24 is **consequently** endangered, ~~by reason thereof, said state~~
 25 ~~commissioner of~~ **the director of the department of health and human**
 26 **services** may file with the judge of probate of the county in which
 27 ~~said the~~ facilities are located, a petition reciting his **or her**
 28 findings and recommendations as to how the ~~menace~~ **endangerment** to
 29 health may be corrected or the nuisance may best be abated and how

1 the improperly operated or inoperative disposal plant, filtration
 2 plant, or other mechanical device to purify the flow of a drain or
 3 sewer should be **repaired, maintained, and** operated. ~~Upon satisfying~~
 4 ~~himself as to the reasonableness of said~~ **If the judge of probate**
 5 **finds that the** recommendations **are reasonable, it shall be the duty**
 6 ~~of the judge of probate of said county to~~ **shall** direct the drain
 7 commissioner of ~~said~~ **the** county to prepare a plan for and estimate
 8 the annual cost of executing the recommendations of the ~~state~~
 9 ~~commissioner of~~ **director of the department of health and human**
 10 **services, and/or of rehabilitation, ordinary maintenance and**
 11 ~~operation of said improperly operated or inoperative facilities, to~~
 12 prepare a map showing the extent of the area contributing to ~~said~~
 13 **the** condition, and to make a determination of the annual expense
 14 thereof apportioned according to benefits to the state highways,
 15 cities, villages, and townships benefited. ~~by the same.~~ Upon
 16 receipt of the map, tentative assessment district, and other
 17 information from the county drain commissioner, the judge of
 18 probate shall give notice of ~~said~~ **the** facts and of the date of
 19 receiving appeals. **Before January 1, 2022, notice shall be given** by
 20 publication in at least 2 insertions in ~~some~~ **a** newspaper published
 21 and of general circulation in the county, if there ~~be~~ **is** one, the
 22 first publication to be at least 10 days before the date set for
 23 receiving appeals. ~~and said~~ **In addition, before January 1, 2022,**
 24 **the** notice shall also be posted at least 10 days before the date
 25 for receiving appeals in 5 or more conspicuous places in each city,
 26 village, and township, where any part of the district ~~may be~~ **is**
 27 located and within the limits of such district. **Beginning January**
 28 **1, 2022, notice shall be posted, at least 10 days before receiving**
 29 **appeals, as provided in the local government public notice act.**

1 (2) The ~~state highway commissioner~~ **director of the state**
 2 **transportation department** or any city, township, or village, which
 3 ~~may feel if~~ aggrieved by the apportionment of benefits ~~so~~ made by
 4 the drain commissioner may ~~make an application~~ **apply** to ~~said the~~
 5 probate court for review of the apportionment by a board of review
 6 by filing with ~~said the~~ probate court a notice of appeal. ~~Only 1~~
 7 ~~board of review shall be appointed by said court.~~ Upon receipt of
 8 any ~~such~~ notices of appeal, as ~~hereinbefore~~ provided **in this**
 9 **section**, the probate court shall ~~forthwith~~ notify the drain
 10 commissioner, in writing, of ~~such the~~ appeal and ~~thereupon shall~~
 11 make an order appointing 3 disinterested freeholders of ~~such the~~
 12 county, not residents of ~~said the~~ district, to constitute ~~such a~~
 13 board of review **for all the appeals**. The court shall thereupon,
 14 with the concurrence of the drain commissioner, immediately ~~fix~~
 15 **establish** the time and place when and where ~~said the~~ board of
 16 review shall meet to review ~~said the~~ apportionments, which ~~said~~
 17 time shall be not less than 10 ~~nor or~~ more than 15 days from the
 18 date of filing such appeal.

19 (3) The drain commissioner shall ~~thereupon~~ give notice to the
 20 persons so appointed of their appointment and of the time and place
 21 of meeting and shall ~~give~~ **serve** notice of ~~such the~~ meeting ~~by~~
 22 ~~posting notices in at least 5 public places in each city, village~~
 23 ~~and township forming a part of the drainage district and shall~~
 24 ~~serve a like notice upon the~~ **director of the state highway**
 25 ~~commissioner transportation department~~ and each of ~~said the~~ cities,
 26 villages, and townships. ~~Such The~~ service shall be made not less
 27 than 5 days before hearing. Return shall be made by the person
 28 serving ~~said the~~ notice and shall be filed in the office of the
 29 judge of probate. **In addition, before January 1, 2022, the drain**

1 commissioner shall post notice of the meeting in at least 5 public
 2 places in each city, village, and township with territory in the
 3 drainage district. Beginning January 1, 2022, the commissioner
 4 shall post notice of the meeting as provided in the local
 5 government public notice act. At ~~such-the~~ hearing, the board of
 6 review shall ~~have the right and it shall be their duty to~~ review
 7 all apportionments made by the drain commissioner. Persons
 8 appointed on ~~said-the~~ board of review shall be sworn by the drain
 9 commissioner to faithfully discharge their duties as members of
 10 ~~said-the~~ board.

11 (4) The board of review shall proceed at the time and place
 12 specified in the notice to hear the proofs and allegations of all
 13 parties in respect to the matter of appeal. A review of
 14 apportionments shall be made by the board of review and if, in
 15 ~~their-its~~ judgment, there ~~shall be-is~~ manifest error or inequality
 16 in ~~such-the~~ apportionments, ~~they-it~~ shall order and make ~~such~~
 17 changes ~~therein as they shall deem~~ **that it considers** just and
 18 equitable. ~~Determination~~ **The determination** of the drain
 19 commissioner, if not appealed from, or of ~~said-the~~ board, in case
 20 of an appeal, ~~shall be-is~~ final and there ~~shall be-is~~ no right of
 21 appeal from ~~such-the~~ determination, except by writ of certiorari to
 22 the proper court. The determination shall be reduced to writing and
 23 signed by the drain commissioner, or in case of appeal, **by** a
 24 majority of the board making the ~~same, determination,~~ and shall be
 25 delivered to the judge of probate together with all other papers
 26 relating thereto. ~~Upon-When~~ the apportionments ~~becoming-become~~
 27 final, as ~~hereinbefore set forth,~~ **provided in this section,** the
 28 judge of probate shall deliver ~~said-the~~ approved roll of
 29 apportionments of benefits and expense to the drain commissioner. 7

~~who~~ **The drain commissioner** shall assess the amounts therein set forth to the respective cities, villages, and townships involved. ~~and said~~ **The** cities, villages, and townships shall thereafter ~~make payment thereof as collected~~ **pay the amounts** in quarterly installments to the county treasurer to be deposited in a separate fund for the rehabilitation, ordinary maintenance, and operation of ~~said~~ **the** facilities, which ~~said~~ fund shall be paid out only on the order of the drain commissioner of the county in which ~~said~~ **the** facilities are located.

(5) Payment for services and providing for substitute membership necessary on the board of review shall be in accordance with sections 158 and 159. ~~of this act. Such necessary~~ **Necessary** costs of the proceeding shall be determined by the judge of probate, ~~said cost to be paid~~ from the revolving fund of the county, and ~~same to be returned~~ to the county out of the first assessment against ~~said~~ **the** district. Immediately upon receipt of sufficient funds, ~~so to do,~~ the drain commissioner of the county shall proceed with the rehabilitation, ordinary maintenance, and operation of ~~said~~ **the** facilities, ~~and shall continue the same as long as funds are available. The costs and charges hereinbefore set forth~~ **provided for in this section** shall be an annual charge and shall be assessed against the state highways and the several cities, villages, and townships by ~~said~~ **the** drain commissioner each year as long as ~~said~~ **the** facility continues to be operated. ~~unless in the opinion of the drain commissioner, the state highway commissioner or of any of said cities, villages or townships, said apportionment should be changed, in which event either said drain commissioner,~~ **However,** the **director of the** state highway ~~commissioner,~~ **transportation department,** or any of ~~said~~ **the** cities,

1 villages, or townships may petition the judge of probate of the
 2 county in which ~~said-the~~ proceedings were had for the appointment
 3 of a board of review to reapportion ~~said-the~~ expense, and on filing
 4 ~~said-the~~ petition, ~~said-the~~ judge of probate shall ~~proceed to~~
 5 appoint a board of review on notice and in the manner ~~hereinbefore~~
 6 ~~set forth,~~ **provided for in this section**, which ~~said~~ board of review
 7 shall review ~~such-the~~ assessments and make a new apportionment. ÷
 8 ~~Provided, however, That-However,~~ no reapportionment shall be made
 9 ~~oftener-more often~~ than once in each calendar year.

10 (6) The several cities, villages, and townships against whom
 11 an assessment is made, as ~~hereinbefore~~ provided **for in this**
 12 **section**, shall collect for ~~such-the~~ expense so assessed to them
 13 under this act by charges for the use of ~~said-the~~ facilities, to be
 14 added to and collected with the water rates of ~~said-the~~ cities,
 15 villages, and townships, in the same manner as other water rates of
 16 said cities, villages, and townships are collected, or in such
 17 other manner as the several governing bodies of said respective
 18 cities, villages, and townships may determine.

19 Sec. 433. (1) An existing intracounty or intercounty drainage
 20 district may be enlarged and the drain located in the district may
 21 be extended or have branches added to provide drainage service to
 22 lands not originally within the boundaries of the drainage district
 23 by agreement between the drain commissioner or the drainage board
 24 and the owner of the lands; or if there is a developer of the lands
 25 who is not the owner, between the drain commissioner or the
 26 intercounty drainage board and the owner and the developer of the
 27 lands. The agreement shall obligate the owner and the developer, if
 28 any, of the lands to be added to the drainage district to
 29 ~~construct,~~ **do both of the following:**

1 **(a) Construct,** in accordance with plans and specifications
2 prepared by or approved by the drain commissioner or drainage
3 board, the necessary and adequate drainage facilities on the lands
4 to be added and in the existing drainage district to connect the
5 lands to the existing drain in the drainage district. ~~and to pay~~

6 **(b) Pay** the cost of the drainage facilities including right of
7 way, engineering, inspection, administration, and legal expenses
8 incurred by the drain commissioner or the drainage board, or ~~to~~
9 deposit with the drain commissioner or drainage board, upon
10 execution of the agreement, the estimated cost of the construction
11 and expenses.

12 (2) Before any agreement is approved and executed on behalf of
13 a drainage district by the drain commissioner or drainage board,
14 there shall be obtained, at the expense of the owner or developer
15 of the lands to be added, a certificate, from a registered
16 professional engineer satisfactory to the drain commissioner or the
17 drainage board, to the effect that the lands to be added naturally
18 drain into the area served by the existing drain or that the
19 existing drain is the only reasonably available outlet for the
20 drainage from the lands to be added and that there is existing
21 capacity in the existing drain to serve the lands to be added
22 without detriment to or diminution of the drainage service provided
23 or to be provided, in the foreseeable future, to the area in the
24 existing drainage district. If the existing drain in the existing
25 drainage district has been financed by the levy of drain special
26 assessments on the lands in the drainage district and if the basis
27 of special assessment as applied to the lands to be added to the
28 drainage district would result in a drain special assessment on the
29 lands to be added in an aggregate principal amount greater than the

1 costs and expenses to be paid or incurred by the owner and
2 developer, if any, of the lands for the new drain facilities at the
3 time of entering into the agreement, then the owner or developer
4 shall also pay the amount of the excess to the drainage district at
5 the time of execution of the agreement. In addition, the developer
6 or owner of the added lands shall pay a pro rata equitable share of
7 the cost of the original construction of the drain, if any.

8 (3) Lands added to any drainage district by agreement shall be
9 liable from and after the date of agreement for all assessments
10 levied after the date of the agreement for operation and
11 maintenance of the drain, including the extension of the drain
12 pursuant to the agreement, and the lands shall be a part of the
13 drainage district for all other purposes and procedures set forth
14 in this act. All drain facilities and all rights of way, easements,
15 or property in which the facilities are located, acquired, or
16 constructed pursuant to the agreement to add lands shall be
17 dedicated to public use or conveyed or transferred to the drainage
18 district and the drain facilities shall be a part of the drain the
19 same as if originally located, established, and constructed by
20 procedures set forth in this act as a part of the original drain.

21 (4) An existing intracounty or intercounty drain may be
22 extended or have branches added to provide additional service to
23 lands within the drainage district by agreement between the drain
24 commissioner or the drainage board and the owner of the lands; or
25 if there is a developer of the lands who is not the owner, between
26 the drain commissioner or the drainage board and the owner and the
27 developer of the lands, pursuant to the procedures and conditions
28 set forth in this section. The affected public corporations or
29 municipalities in which the proposed lands are to be added ~~will~~

1 **shall** be apprised of the agreement by the drain commissioner or
 2 drainage board ~~and who~~ **by certified mail. Before January 1, 2022,**
 3 **the drain commissioner or drainage board** shall also publish notice
 4 of the agreement in a newspaper of general circulation in the
 5 drainage district. ~~in question.~~ **Beginning January 1, 2022, the drain**
 6 **commissioner or drainage board shall post notice of the agreement**
 7 **as provided in the local government public notice act.**

8 (5) By agreement with a landowner and the developer, if any,
 9 the drain commissioner or intercounty drainage board may establish
 10 an existing private drain which was constructed by the landowner or
 11 developer to service an area on his or her own land as a county or
 12 intercounty drain.

13 (6) If a drain established pursuant to subsection (5) adds
 14 lands to an existing drainage district, the provisions of
 15 subsections (2) and (3) shall apply.

16 (7) If a drain established pursuant to subsection (5) is
 17 independent from an existing drainage district, a certificate shall
 18 be obtained, at the expense of the landowner or developer of the
 19 lands served by the proposed drain, from a registered professional
 20 engineer satisfactory to the drain commissioner or the intercounty
 21 drainage board to the effect that the outlet for the existing drain
 22 is the only reasonably available outlet for the drain and that
 23 there is sufficient capacity in the existing outlet for the
 24 proposed drain to serve as an adequate outlet without detriment to
 25 or diminution of the drainage service which the outlet presently
 26 provides. All drain facilities and all rights of way, easements, or
 27 property in which the facilities are located, acquired, or
 28 constructed pursuant to the agreement to establish the drain shall
 29 be dedicated to public use or conveyed or transferred to the

1 drainage district and the drain facilities and drainage district
 2 shall be an established drain and drainage district the same as if
 3 originally laid out and designated, located, established, and
 4 constructed ~~by procedures set forth in~~ **under** this act. All plans
 5 and specifications, including a map and a description of the
 6 drainage district, pertaining to the private drain as may be
 7 required by the drain commissioner or intercounty drainage board
 8 shall be furnished to the drain commissioner or intercounty
 9 drainage board.

10 (8) The landowner or developer who transfers a drain pursuant
 11 to subsection (5) shall deposit with the drain commissioner or
 12 drainage board 5% of the cost of the drain but not more than
 13 \$2,500.00. The money received by the drain commissioner or
 14 intercounty drainage board pursuant to this subsection shall be
 15 deposited in a special drain fund which shall be used for the
 16 future maintenance of the transferred drain.

17 Sec. 441. (1) Two or more drainage districts located in the
 18 same county and in the same drainage basin or in adjoining basins ~~7~~
 19 may consolidate and organize as a single drainage district upon the
 20 filing of a petition for consolidation with the drain commissioner
 21 of the county setting forth the reason for the proposed
 22 consolidation. The consolidation may include land not within an
 23 existing drainage district if requested in the petition. The
 24 petition shall be signed by at least 50 property owners within the
 25 proposed consolidated drainage district. If in the proposed
 26 consolidated drainage district there are ~~less~~ **fewer** than 100
 27 property owners, the petition shall be signed by at least 50% of
 28 the property owners in the proposed consolidated drainage district.
 29 ~~In place of a petition~~ **Instead of being** signed by property owners,

1 a petition may be signed solely by a city or township a portion of
2 which is located within the proposed consolidated drainage
3 district, when authorized by its governing body, or by a
4 combination of municipalities. As soon as practicable after the
5 filing of a petition, the drain commissioner, if not disqualified
6 under section 381, may appoint a board of determination composed of
7 3 disinterested property owners to determine the necessity of the
8 consolidation. If the commissioner is disqualified or chooses not
9 to appoint the board of determination, the commissioner shall
10 immediately file a copy of the petition with the chairperson of the
11 county board of commissioners, together with a statement signed by
12 the commissioner showing that he or she is disqualified or chooses
13 not to act in appointing a board of determination. Upon receiving a
14 copy of the petition and certificate, the chairperson of the county
15 board of commissioners, if not privately interested, shall appoint
16 as soon as practicable a board of determination and shall
17 immediately notify the drain commissioner of the names and
18 addresses of those appointed. If the chairperson of the county
19 board of commissioners has a private interest in the proceedings,
20 the drain committee of the county board of commissioners shall
21 appoint the board of determination. Members of a board of
22 determination shall be residents of the county but not of the
23 proposed consolidated drainage district or of a drainage district a
24 part of which is to be included in the proposed consolidation. A
25 meeting of the board of determination shall be called within the
26 proposed consolidated drainage district at some convenient place to
27 be designated by the drain commissioner. If a person appointed to
28 the board of determination fails or refuses to serve, a successor
29 shall be appointed by the official or committee making the

1 appointment in the first instance. The compensation of a member of
 2 the board of determination shall be \$8.00 per day with no
 3 additional allowance for mileage. The county board of commissioners
 4 of a county may increase the per diem compensation of members of
 5 the board of determination.

6 (2) The drain commissioner shall give notice of the time,
 7 date, and place of the meeting in the manner prescribed by ~~Act No.~~
 8 ~~267 of the Public Acts of 1976~~ **the open meetings act, 1976 PA 267,**
 9 **MCL 15.261 to 15.275,** and, **before January 1, 2022,** by publication
 10 twice in a newspaper of general circulation in the county or a
 11 newspaper of general circulation in the proposed consolidated
 12 drainage district, the first publication of which shall be at least
 13 10 days before the meeting. **Beginning January 1, 2022, the drain**
 14 **commissioner shall post notice at least 10 days before the meeting**
 15 **as provided in the local government public notice act.** Notices
 16 shall also be ~~served on~~ **provided to** the county clerk and the clerk
 17 of each township or city in the proposed consolidated drainage
 18 district, ~~personally or by registered~~ **by certified** mail at least 10
 19 days before the meeting. The drain commissioner shall also send
 20 notice by first-class mail of the time, date, and place of the
 21 meeting at least 10 days before the date of the meeting to each
 22 person whose name appears on the last city or township tax
 23 assessment roll as owning land within the existing drainage
 24 districts, a portion of which is proposed to be consolidated, or
 25 owning lands within the proposed consolidated drainage district
 26 ~~whose land is~~ **but** not within an existing drainage district, at the
 27 address shown on the roll. If an address does not appear on the
 28 roll, then a notice need not be mailed to those persons. The drain
 29 commissioner shall make an affidavit of the mailing and shall

1 recite in the affidavit that the persons to whom the notice was
2 mailed constitute all of the persons to whom notice must be sent.
3 The affidavit ~~shall be~~**is** conclusive proof that notice was mailed
4 to each person to whom notice is required to be mailed by this
5 section. The failure to receive a notice by mail ~~shall~~**does** not
6 constitute a jurisdictional defect invalidating a drain proceeding
7 if notice has been sent by first-class mail as provided in this
8 section. All expense of notification shall be paid by the drainage
9 district when created.

10 (3) At the time and place ~~fixed~~**specified** in the notice, the
11 board shall meet, elect a chairperson and a secretary, and ~~proceed~~
12 ~~to~~ determine whether the proposed consolidation is conducive to
13 public health, convenience, or welfare. After hearing the evidence,
14 the board shall make its determination as to whether the proposed
15 consolidation is conducive to public health, convenience, or
16 welfare. If the board finds by a majority vote of the members that
17 the proposed consolidation is not conducive to public health,
18 convenience, or welfare, it shall file with the commissioner an
19 order dismissing the petition, and a further petition for the drain
20 shall not be entertained within 1 year after the determination. If
21 the board by a majority vote finds that the proposed consolidation
22 is conducive to the public health, convenience, or welfare, it
23 shall make its order to that effect and file the order with the
24 commissioner. Upon receipt of the order of consolidation, the
25 commissioner shall enter an order giving the consolidated drainage
26 district a name or number.

27 Sec. 441a. (1) Two or more drainage districts may be
28 consolidated and organized as a single drainage district under this
29 section where the proposed consolidated district lies within more

1 than 1 county, by filing a petition in writing with the
 2 commissioner of a county having jurisdiction of land in the
 3 proposed consolidated drainage district, setting forth the reason
 4 for the proposed consolidation. The consolidation may include land
 5 not within an existing drainage district if requested in the
 6 petition. The petition shall be signed by at least 50 property
 7 owners within the proposed consolidated drainage district. If in
 8 the proposed consolidated drainage district there are ~~less~~ **fewer**
 9 than 100 property owners, ~~then~~ the petition shall be signed by at
 10 least 50% of the property owners in the proposed consolidated
 11 drainage district. ~~In place of a petition~~ **Instead of being** signed
 12 by property owners, a petition may be signed solely by a city or
 13 township a portion of which is located within the proposed
 14 consolidated drainage district, when authorized by its governing
 15 body, or by a combination of municipalities. Upon receipt of the
 16 petition, the commissioner shall notify the director of the
 17 department of agriculture **and rural development** and the
 18 commissioner of each county ~~embracing land in~~ **within which** the
 19 proposed consolidated drainage district **is located**. The drain
 20 commissioners of the counties and the director of the department of
 21 agriculture **and rural development** or a deputy designated by the
 22 director shall constitute the drainage board.

23 (2) The director of the department of agriculture **and rural**
 24 **development** shall call a meeting of the drainage board not less
 25 than 15 days or more than 60 days after the receipt of the notice.
 26 The meeting shall be held in the immediate locality of the proposed
 27 consolidated drainage district. Notice of the meeting shall be
 28 ~~served personally or by registered~~ **provided, by certified** mail ~~, at~~
 29 least 10 days before the meeting, ~~on~~ **to** the clerk of each county,

1 township, and city within the proposed consolidated drainage
2 district. A notice of the meeting shall be given in the manner
3 prescribed by ~~Act No. 267 of the Public Acts of 1976, the open~~
4 **meetings act, 1976 PA 267, MCL 15.261 to 15.275, and, before**
5 **January 1, 2022,** shall be published twice in each county affected
6 in a newspaper of general circulation in the county or in a
7 newspaper of general circulation in the proposed consolidated
8 drainage district. ~~, the~~ **The** first publication ~~of which~~ shall be at
9 least 10 days before the meeting. **Beginning January 1, 2022, notice**
10 **shall be posted in each county in which the proposed consolidated**
11 **drainage district is located at least 10 days before the meeting as**
12 **provided in the local government public notice act.** The drain
13 commissioner of each county in which land proposed to be
14 consolidated into the proposed consolidated district is located
15 shall also send notice of the time, date, and place of the meeting
16 by first-class mail, at least 10 days before the date of the
17 meeting, to each person whose name appears upon the last city or
18 township tax assessment roll as owning land within the existing
19 drainage districts to be consolidated, or owning land within the
20 proposed consolidated drainage district which is not within an
21 existing drainage district, at the address shown on the roll. If an
22 address does not appear on the roll, a notice need not be mailed to
23 the persons. Each drain commissioner shall make an affidavit of the
24 mailing and shall recite in the affidavit that the persons to whom
25 the notice was mailed constitute all of the persons to whom notice
26 must be sent. The affidavits ~~shall be~~ **are** conclusive proof that
27 notice was mailed to each person to whom notice is required to be
28 mailed by this section. The failure to receive notice by mail ~~shall~~
29 **does** not constitute a jurisdictional defect invalidating a drain

1 proceeding, if notice has been sent by first-class mail as provided
2 in this section. All expense of notification shall be paid by the
3 drainage district when created or consolidated.

4 (3) Upon convening the meeting, the director of the department
5 of agriculture **and rural development** or a deputy selected by the
6 director shall act as chairperson. The drainage board shall
7 consider the application for the proposed consolidated drainage
8 district ~~and~~ and determine the sufficiency of the signatures to the
9 application. The drainage board shall then ~~proceed to~~ determine
10 whether the proposed consolidation is conducive to public health,
11 convenience, or welfare. After hearing the evidence, the drainage
12 board shall make its determination as to whether the proposed
13 consolidation is conducive to public health, convenience, or
14 welfare. If the board finds by a majority vote of the members that
15 the proposed consolidation is not conducive to public health,
16 convenience, or welfare, it shall file with the chairperson an
17 order dismissing the petition, and a further petition for
18 consolidation shall not be entertained within 1 year after the
19 determination. If the board by a majority vote finds that the
20 proposed consolidation is conducive to the public health,
21 convenience, or welfare, it shall make its order to that effect and
22 file the order with the chairperson. Upon receipt of the order of
23 consolidation, the chairperson shall enter an order giving the
24 consolidated drainage district a name or number. A copy of the
25 order shall be filed within 10 days by the director of the
26 department of agriculture **and rural development** in the office of
27 the county drain commissioner of each county in which land included
28 in the consolidated drainage district is located.

29 Sec. 467. (1) The drainage board, at its first meeting, shall

1 consider the petition for the project and make a tentative
 2 determination as to the sufficiency of the petition and the
 3 practicability of the proposed drain, and shall further make a
 4 tentative determination of the public corporations to be assessed.
 5 The drainage board shall give a name to the drain and to the
 6 drainage district. The district shall be composed of the public
 7 corporations to be assessed for the cost of the project.

8 (2) After the drainage board has made the determination, it
 9 shall ~~fix~~**establish** a time, date, and place it will meet to hear
 10 objections to the proposed drain and the petition for the drain,
 11 and to the matter of assessing the cost of the drain to the
 12 designated public corporations. ~~Notice~~**Before January 1, 2022,**
 13 **notice** of the hearing shall be published twice in the county by
 14 inserting the notice in at least 1 newspaper published in the
 15 county, designated by the drainage board. ~~, with the~~**The** first
 16 publication ~~to~~**shall** be not less than 20 days before the time of
 17 the hearing. **Beginning January 1, 2022, notice shall be posted not**
 18 **less than 20 days before the time of the hearing as provided in the**
 19 **local government public notice act.** The notice shall also be sent
 20 by ~~registered~~**certified** mail to the clerk or secretary of each
 21 public corporation proposed to be assessed, except that a notice to
 22 the state shall be sent to the **director of the** state highway
 23 ~~director~~**transportation department** and a notice to a county shall
 24 be sent to both the county clerk and the county road commission.
 25 The mailing shall be made not less than 20 days before the time of
 26 the hearing. The notice shall be signed by the chairperson, and
 27 proof of the publication and mailing of the notice shall be filed
 28 in his or her office. The drainage board may provide a form to be
 29 substantially followed in the giving of the notice.

1 (3) After the hearing, the drainage board shall make a
 2 determination as to the sufficiency of the petition, the
 3 practicability of the drain, whether the drain should be
 4 constructed, and if so, the public corporations to be assessed, and
 5 shall issue its order accordingly. The order shall be known as the
 6 final order of determination.

7 (4) A public corporation shall not be eliminated from, or
 8 added to, those tentatively determined to be assessed without a
 9 rehearing after notice.

10 Sec. 469. (1) After the tentative apportionments of cost have
 11 been made, the drainage board shall set a time, date, and place it
 12 will meet and hear objections to the apportionments. ~~Notice~~ **Before**
 13 **January 1, 2022, notice** of the hearing shall be published twice in
 14 the county by inserting the notice in at least 1 newspaper
 15 published in the county, designated by the drainage board. ~~the~~
 16 **The** first publication ~~to~~ **shall** be not less than 20 days before the
 17 time of the hearing. **Beginning January 1, 2022, notice shall be**
 18 **posted not less than 20 days before the time of the hearing as**
 19 **provided in the local government public notice act.** The notice
 20 shall also be sent by ~~registered~~ **certified** mail to the clerk or
 21 secretary of each public corporation proposed to be assessed,
 22 except that a notice to the state shall be sent to the ~~state~~
 23 ~~highway~~ **director of the state transportation department** and a
 24 notice to the county shall be sent both to the county clerk and the
 25 county road commission. The mailing shall be made not less than 20
 26 days before the time of hearing. The notice shall be signed by the
 27 chairperson, and proof of the publication and mailing of the notice
 28 shall be filed in his or her office. The drainage board may provide
 29 a form to be substantially followed in the giving of the notice.

1 The notice shall include tentative apportionments to the several
2 public corporations.

3 (2) After the hearing, the drainage board may confirm the
4 apportionments as tentatively made, or if it considers the
5 apportionments to be inequitable, it shall readjust the
6 apportionments. If the readjustment involves ~~the increasing of an~~
7 ~~assessment and an~~ **the** increase ~~shall is~~ not ~~be~~ consented to by
8 resolution of the governing body of the public corporation whose
9 assessment ~~was is~~ **proposed to be** increased, before any readjusted
10 apportionments are confirmed the drainage board shall set a time,
11 date, and place for a rehearing and shall give notice of the
12 hearing as in the first instance. The notice shall also set forth
13 the apportionments as readjusted. After confirmation, the drainage
14 board shall issue its order setting forth the several
15 apportionments as confirmed. The order shall be known as the final
16 order of apportionment.

17 Sec. 489a. (1) If the legislative body of a public
18 corporation, ~~which that~~ is subject to assessment under this chapter
19 pursuant to apportionments made under this chapter ~~, determines~~
20 that a part of the land in the public corporation will be
21 especially benefited by a proposed drain project so that a special
22 assessment, fee, or charge may be levied by the public corporation
23 under section 490, the legislative body, before filing a petition
24 under section 463, shall do all of the following:

25 (a) Send to the county drain commissioner by ~~registered~~
26 **certified** mail a notice of intent to file a petition under section
27 463. The notice shall include a request that the drain commissioner
28 delineate a proposed drainage district.

29 (b) Prepare or cause to be prepared a proposed plan for

1 financing the project.

2 (c) Forward by first-class mail to each person whose name and
3 address appears on the tax rolls as owning land within the proposed
4 district, at the address shown on the last tax assessment roll of
5 the public corporation, a notice which contains all of the
6 following:

7 (i) A general description of the proposed drain project.

8 (ii) Expected benefits of the proposed drain project.

9 (iii) Notice that the proposed project is to be fully or partly
10 financed by special assessment against property owners within the
11 proposed district.

12 (iv) A statement that alternative plans of financing the
13 proposed project will be on the meeting agenda.

14 (v) Notice of the time, date, and place of a meeting to be
15 held by the legislative body of the public corporation to hear
16 objections to the proposed drain project or special assessment,
17 fee, or charge to be levied under this section. Notice prescribed
18 in this subparagraph shall be mailed not less than 10 days before
19 the meeting, and in addition, shall be given in the manner
20 prescribed by ~~Act No. 267 of the Public Acts of 1976, as amended,~~
21 ~~being sections 15.261 to 15.275 of the Michigan Compiled Laws, the~~
22 **open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and, before**
23 **January 1, 2022,** shall be published in a newspaper of general
24 circulation in the public corporation. **Beginning January 1, 2022,**
25 **notice shall be posted as provided in the local government public**
26 **notice act.**

27 (2) The legislative body shall make an affidavit of the
28 mailing and shall recite in the affidavit that the persons to whom
29 the notice was mailed constitute all of the persons whose names and

addresses appear upon the tax rolls as owning land within the proposed district. ~~which~~ **The** affidavit ~~shall be~~ **is** conclusive proof that notice was mailed to each person to whom notice is required to be mailed by the terms of this section. The failure to receive a notice by mail ~~shall~~ **does** not constitute a jurisdictional defect invalidating a drain proceeding or tax, or both, if notice has been sent by first-class mail as provided in this section.

(3) The legislative body shall hold a meeting as described in subsection ~~(1)(c)(v)~~ **(1)(c)(v)** to receive information from the public on the advisability of proceeding with the proposed drain project. The meeting shall be held in the manner prescribed by ~~Act No. 267 of the Public Acts of 1976, as amended.~~ **the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.**

(4) The legislative body, at any time before filing a petition under section 463, may do any of the following:

(a) Determine to proceed with the proposed drain project and levy a special assessment, fee, or charge in substantially the same method as stated under section 490 and in the notices prepared and mailed pursuant to subsection (1)(c). A person whose name and address appears upon the tax rolls as owning land within the proposed district feeling aggrieved by this determination may appeal the decision of the legislative body by instituting an action in the circuit court for the county in which the real property is located. The action shall be filed by the person aggrieved within 45 days after the determination of the legislative body.

(b) Determine to proceed with the proposed drain project without levying a special assessment, fee, or charge under section 490. A person whose name and address appears upon the tax rolls as

owning land within the proposed district feeling aggrieved by this determination may appeal the decision of the legislative body by instituting an action in the circuit court for the county in which the real property is located. The action shall be filed by the person aggrieved within 45 days after the determination of the legislative body.

(c) Reject or withdraw from the proposed drain project. A person whose name and address appears upon the tax rolls as owning land within the proposed district feeling aggrieved by this determination may appeal the decision of the legislative body by instituting an action in the circuit court for the county in which the real property is located. The action shall be filed by the person aggrieved within 45 days after the determination of the legislative body.

(5) The public corporation shall reimburse the county and other governmental units involved in the project for the pro rata share of any costs incurred under this section.

Sec. 519. (1) The augmented drainage board, at its first meeting, shall consider the petition for the project and make a tentative determination as to the sufficiency of the petition and the practicability of the proposed drain, and further make a tentative determination of the public corporations to be assessed. The augmented drainage board shall give a name to the drain and to the drainage district. The district shall be composed of the public corporations to be assessed for the cost of the project.

(2) If the augmented drainage board, by resolution, tentatively determines that there should be assessed a public corporation in a county other than those contained in the tentative findings of the director of the department of agriculture **and rural**

1 **development**, further proceedings shall not be taken by the
 2 augmented drainage board, but the resolution shall have the effect
 3 of amending the preliminary finding of the director of the
 4 department of agriculture **and rural development**. The director of
 5 the department of agriculture **and rural development** shall proceed,
 6 as in the first instance, to call a new meeting of the drainage
 7 board and the augmented drainage board as enlarged by reason of the
 8 inclusion of the additional public corporations in another county.

9 **(3)** After the augmented drainage board has made the
 10 determination specified in this section, it shall ~~fix~~**establish** a
 11 time, date, and place it will meet to hear objections to the
 12 proposed drain and the petition for the drain, and the matter of
 13 assessing the cost of the drain to the designated public
 14 corporations. ~~Notice~~**Before January 1, 2022, notice** of the hearing
 15 shall be published twice in each county involved by inserting the
 16 notice in at least 1 newspaper published in the county, designated
 17 by the augmented drainage board. The first publication shall be
 18 made not less than 20 days before the time of hearing. **Beginning**
 19 **January 1, 2022, notice of the hearing shall be posted in each**
 20 **affected county not less than 20 days before the time of the**
 21 **hearing as provided in the local government public notice act.** The
 22 notice shall also be sent by ~~registered~~**certified** mail to the clerk
 23 or secretary of each public corporation proposed to be assessed,
 24 except that a notice to the state shall be sent to the ~~state~~
 25 ~~highway~~**director of the state of transportation department** and a
 26 notice to a county shall be sent to both the county clerk and the
 27 county road commission. The mailing shall be made not less than 20
 28 days before the time of hearing. The notice shall be signed by the
 29 secretary, and proof of the publication and mailing of the notice

1 shall be filed with the secretary. The augmented drainage board may
 2 provide a form to be substantially followed in the giving of such
 3 notice.

4 (4) After the hearing, the augmented drainage board shall make
 5 a determination as to the sufficiency of the petition, the
 6 practicability of the drain, whether the drain should be
 7 constructed, **and** the public corporations to be assessed, and shall
 8 issue its order accordingly. The order shall be known as the final
 9 order of determination.

10 (5) A public corporation shall not be eliminated from, or
 11 added to, those tentatively determined to be assessed without a
 12 rehearing after notice. After the augmented drainage board has made
 13 the determinations further action in respect to the drain shall be
 14 taken by the drainage board. The augmented drainage board may be
 15 reconvened by its chairperson or 2 members of the board, upon
 16 notice given for the purpose of making a correction or addition to
 17 its proceedings.

18 Sec. 521. (1) After the tentative apportionments of cost have
 19 been made, the drainage board shall set a time, date, and place it
 20 will meet and hear objections to the apportionments. ~~Notice—Before~~
 21 **January 1, 2022, notice** of the hearing shall be published twice in
 22 each county involved by inserting the notice in at least 1
 23 newspaper published in the county, designated by the drainage
 24 board. The first publication is to be not less than 20 days before
 25 the time of hearing. **Beginning January 1, 2022, notice shall be**
 26 **posted not less than 20 days before the time of the hearing as**
 27 **provided in the local government public notice act.** The notice
 28 shall also be sent by ~~registered~~ **certified** mail to the clerk or
 29 secretary of each public corporation proposed to be assessed,

except that a notice to the state shall be sent to the ~~state~~
~~highway~~ director **of the state of transportation department** and a
 notice to a county shall be sent both to the county clerk and the
 county road commission. The mailing shall be made not less than 20
 days before the time of hearing. The notice shall be signed by the
 secretary, and proof of the publication and mailing of the notice
 shall be filed with the secretary. The drainage board may provide a
 form to be substantially followed in the giving of the notice. The
 notice shall include tentative apportionments to the several public
 corporations.

(2) After the hearing, the drainage board may confirm the
 apportionments as tentatively made, or, if it considers the
 apportionments to be inequitable, it shall readjust the
 apportionments. Before readjusted apportionments are confirmed, the
 drainage board shall set a time, date, and place for a rehearing
 and shall give notice of the hearing. The notice shall also set
 forth the apportionments as readjusted. It shall then issue its
 order setting forth the several apportionments as confirmed. The
 order shall be known as the final order of apportionment.

Sec. 538a. (1) If the legislative body of a public corporation
~~which~~ ~~that~~ is subject to assessment under this chapter pursuant to
 apportionments made under this chapter, ~~—~~ determines that a part of
 the land in the public corporation will be especially benefited by
 a proposed drain project so that a special assessment, fee, or
 charge may be levied by the public corporation under section 539,
 the legislative body, before filing a petition under section 513,
 shall do all of the following:

(a) Send to the director of the department of agriculture **and**
rural development by ~~registered~~ **certified** mail a notice of intent

1 to file a petition under section 513. The notice shall include a
2 request that the intercounty drainage board delineate a proposed
3 drainage district.

4 (b) Prepare or cause to be prepared a proposed plan for
5 financing the report.

6 (c) Forward by first-class mail to each person whose name and
7 address appears on the tax rolls as owning land within the proposed
8 district, at the address shown on the last tax assessment roll of
9 the public corporation, a notice which contains all of the
10 following:

11 (i) A general description of the proposed drain project.

12 (ii) Expected benefits of the proposed drain project.

13 (iii) Notice that the proposed project is to be fully or partly
14 financed by special assessment against property owners within the
15 proposed district.

16 (iv) A statement that alternative plans of financing the
17 proposed project will be on the meeting agenda.

18 (v) Notice of the time, date, and place of a meeting to be
19 held by the legislative body of the public corporation to hear
20 objections to the proposed drain project or special assessment,
21 fee, or charge to be levied under this section. Notice prescribed
22 in this subparagraph shall be mailed not less than 10 days before
23 the meeting, and in addition, shall be given in the manner
24 prescribed by ~~Act No. 267 of the Public Acts of 1976, as amended,~~
25 **the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and,**
26 **before January 1, 2022,** shall be published in a newspaper of
27 general circulation in the public corporation. **Beginning January 1,**
28 **2022, notice prescribed in this subparagraph shall be posted as**
29 **provided in the local government public notice act.**

(2) The legislative body shall make an affidavit of the mailing and shall recite in the affidavit that the persons to whom the notice was mailed constitute all of the persons whose names and addresses appear upon the tax rolls as owning land within the proposed district. ~~, which~~ **The** affidavit ~~shall be~~ **is** conclusive proof that notice was mailed to each person to whom notice is required to be mailed by the terms of this section. The failure to receive a notice by mail ~~shall~~ **does** not constitute a jurisdictional defect invalidating a drain proceeding or tax, or both, if notice has been sent by first-class mail as provided in this section.

(3) The legislative body shall hold a meeting as described in subsection ~~1(e)(v)~~ **(1)(c)(v)** to receive information from the public on the advisability of proceeding with the proposed drain project. The meeting shall be held in the manner prescribed by ~~Act No. 267 of the Public Acts of 1976, as amended.~~ **the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.**

(4) The legislative body, at any time before filing a petition under section 513, may do any of the following:

(a) Determine to proceed with the proposed drain project and levy a special assessment, fee, or charge in substantially the same method as stated under section 539 and in the notices prepared and mailed pursuant to subsection (1)(c). A person whose name and address appears upon the tax rolls as owning land within the proposed district feeling aggrieved by this determination may appeal the decision of the legislative body by instituting an action in the circuit court for the county in which the real property is located. The action shall be filed by the person aggrieved within 45 days after the determination of the legislative body.

1 (b) Determine to proceed with the proposed drain project
2 without levying a special assessment, fee, or charge under section
3 539. A person whose name and address appears upon the tax rolls as
4 owning land within the proposed district feeling aggrieved by this
5 determination may appeal the decision of the legislative body by
6 instituting an action in the circuit court for the county in which
7 the real property is located. The action shall be filed by the
8 person aggrieved within 45 days after the determination of the
9 legislative body.

10 (c) Reject or withdraw from the proposed drain project. A
11 person whose name and address appears upon the tax rolls as owning
12 land within the proposed district feeling aggrieved by this
13 determination may appeal the decision of the legislative body by
14 instituting an action in the circuit court for the county in which
15 the real property is located. The action shall be filed by the
16 person aggrieved within 45 days after the determination of the
17 legislative body.

18 (5) The public corporation shall reimburse the county and
19 other governmental units involved in the project for the pro rata
20 share of any costs incurred under this section.

21 Sec. 558. The water management board shall ~~fix~~**establish** a
22 time, date, and place it will meet to hear objections to the
23 proposed project, the petition for the project, and ~~to~~ the
24 assessments of costs as contained in the tentative determination of
25 the commission. ~~Notice~~**Before January 1, 2022, notice** of the
26 hearing shall be published twice in each county involved by
27 inserting the notice in at least 1 newspaper designated by the
28 board and published and circulated in the county. The first
29 publication **under this section** shall be not less than 20 days

1 before the time of hearing. **Beginning January 1, 2022, notice shall**
 2 **be posted not less than 20 days before the time of the hearing as**
 3 **provided in the local government public notice act.** Notice shall
 4 also be sent by ~~registered~~**-certified** mail to the clerk or secretary
 5 of each public corporation proposed to be assessed, except that a
 6 notice to the state shall be sent to the **director of the state**
 7 ~~highway director~~**-transportation department** and the director of the
 8 department of natural ~~resources~~**-resources** and a notice to a county
 9 shall be sent to both the county clerk and the county road
 10 commission. The mailing shall be made not less than 20 days before
 11 the time of the hearing. The notice shall be signed by the
 12 secretary of the board, and proof of the publication and mailing of
 13 the notice shall be filed with the secretary. The board may provide
 14 a form to be substantially followed in the giving of the notice.
 15 After the hearing, the board shall ~~made~~**make** a preliminary
 16 determination as to the sufficiency of the petition, the necessity
 17 and practicability of the project, whether the project should be
 18 undertaken, **and** the public corporations to be assessed, and shall
 19 issue a preliminary order accordingly. The order shall be known as
 20 the preliminary order of determination. A public corporation shall
 21 not be eliminated from, or added to, those tentatively determined
 22 to be assessed without a rehearing after notice, except as provided
 23 in section 559.

24 Sec. 562. After the tentative apportionments of costs have
 25 been made, the board shall set a time, date, and place it will meet
 26 and hear objections to the apportionments. ~~Notice~~**Before January 1,**
 27 **2022, notice** of the hearing shall be published twice in each county
 28 involved by inserting the notice in at least 1 newspaper designated
 29 by the board and published in the county. The first publication ~~is~~

1 ~~to~~**under this section shall** be not less than 20 days before the
 2 time of hearing. **Beginning January 1, 2022, notice shall be posted**
 3 **not less than 20 days before the time of the hearing as provided in**
 4 **the local government public notice act.** The notice shall also be
 5 sent by ~~registered~~**certified** mail to the clerk or secretary of each
 6 public corporation proposed to be assessed, except that a notice to
 7 the state shall be sent to the ~~state highway~~**director of the state**
 8 **transportation department** and the director of the department of
 9 natural resources and a notice to a county shall be sent both to
 10 the county clerk and the county road commission. The mailing shall
 11 be made not less than 20 days before the time of the hearing. The
 12 notice shall be signed by the secretary, and proof of the
 13 publication and mailing of the notice shall be filed with the
 14 secretary. The board may provide a form to be substantially
 15 followed in the giving of the notice. The notice shall include
 16 tentative apportionments to the several public corporations. After
 17 the hearing, the board shall make a written report of its findings
 18 on the apportionments to the commission, which may either confirm
 19 the apportionments as tentatively made or may recommend
 20 readjustments of any apportionments considered inequitable.

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

23 Enacting section 2. This amendatory act does not take effect
 24 unless Senate Bill No.____ or House Bill No. 6440 (request no.
 25 02449'19) of the 100th Legislature is enacted into law.