



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4793 (as passed by the House)
Sponsor: Representative Al Pscholka
House Committee: Local Government
Senate Committee: Local Government and Elections

Date Completed: 10-30-13

CONTENT

The bill would amend Chapter 4 (County Drains) and Chapter 6 (Intercounty Drains) of the Drain Code to allow a drainage district to institute condemnation proceedings under the Uniform Condemnation Procedures Act to obtain the necessary right-of-way, an easement, or another property interest, if a person whose land would be crossed or damaged by a proposed drain had not executed a release of the right-of-way.

Chapters 4 and 6 provide that, if a person whose land would be crossed or damaged by a proposed drain has not executed a release of the right-of-way and all related damages, the drain commissioner may apply to the probate court for the appointment of special commissioners to determine the necessity of taking private property for the use and benefit of the public, and the just compensation to be made for it. The bill would delete these provisions.

The bill also would repeal Sections 76 through 84, 86, 87, 88, and 129 of the Drain Code, which establish requirements for the appointment and activities of the special commissioners; the determination and awarding of damages; and compensation of the commissioners.

MCL 280.75 & 280.128

BACKGROUND

According to a 1986 Opinion of the Attorney General, "[P]roceedings for condemnation of rights-of-way for drain purposes must be conducted in accordance with the provisions of the Uniform Condemnation Procedures Act" (Opinion No. 6336).

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.