

NOTICE REQUIREMENTS FOR DRAIN PROJECTS

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House Bill 6151 (H-2) as reported from committee
Sponsor: Rep. Steven Johnson
Committee: Local Government
Complete to 12-4-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6151 would amend Chapter 7 (Apportionment and Review) of the Michigan Drain Code of 1956 to revise various notice requirements regarding drain projects.

The bill would make the following changes to provisions regarding notice:

- Except in the cases of maintenance or repair of a drain under Section 196 of the Code, require the county drain commissioner to advertise for the receipt of bids at a specified time, date, and location. If the drain commissioner had an official internet presence, the advertisement would have to be posted on a portion of the website that is fully accessible to the public at least 10 days before and maintained through the date set for receipt of bids. If the drain commissioner did not have an official internet presence, the advertisement would be posted and maintained on the county website.
- Move most public meetings for review of the apportionment of benefits from no more than 30 days after bids were received to no more than 45 days after bids were received.
- Require one, rather than two, notifications of the public meeting in a local newspaper.
- Amend the notice requirement of the meeting to public officials. Currently, notice must be served personally on the county clerk, one or more members of the road commission of the county or road district, the supervisor of a township, mayor of a city, and president of a village to be assessed at large. The bill would allow service by certified mail, remove the reference to road district, and replace the city and village representatives with the clerks of those respective local units. It would also require that notice be served at least 10 days before the apportionment review.
- Require that special assessment notices include the estimated percentage and dollar amounts apportioned to the recipient's land, the estimated annual total of all project assessments, and the estimated project assessment duration.
- Remove certain information from the meeting notice issued to residents, local newspapers, and local officials, and replace it with the drain commissioner's website address and a statement that the previously included information could be found on that website.
- Require the drain commissioner, if the drain commissioner has an official internet presence, to post the requisite information on a portion of the website that is fully accessible

to the public and maintain the posting through the meeting. If the commissioner did not have an official internet presence, the information could be posted on the county website.

- Allow the drain commissioner to make subsequent adjustments that the commissioner or drainage board considered necessary to the estimated apportionment percentage, estimated annual project assessment, or estimated project assessment duration without further notice or an additional meeting to review benefit apportionment.
- Exempt projects under Section 196 of the Act from the general requirement that bids be received and the total cost of the drain computed before the apportionment review.

The bill would take effect 90 days after enactment.

MCL 280.154

BRIEF DISCUSSION:

According to committee testimony, because notices are currently sent out before bids are collected, people are notified that there will be a special assessment but are not provided with an estimate of the likely cost. The bill would require that special assessment notices include the estimated percentage and dollar amounts apportioned to the recipient's land, the estimate annual total of all project assessments, and the estimated project assessment duration.

FISCAL INFORMATION:

The bill does not appear to have a material fiscal impact on the state of Michigan or on local units of government.

POSITIONS:

Representatives of the Michigan Association of Drain Commissioners testified in support of the bill. (9-26-18)

The following entities indicated support for the bill:

- Michigan Association of Counties (11-28-18)
- Michigan Farm Bureau (9-26-18)

The following entities indicated opposition to the bill as introduced (9-26-18):

- Michigan Press Association
- The Detroit Legal News

Legislative Analysts: Nick Kelly
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.