

NOTICE REQUIREMENTS FOR DRAIN PROJECTS

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House Bill 6151 as introduced
Sponsor: Rep. Steven Johnson
Committee: Local Government
Complete to 9-26-18

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. It would provide that, except in the cases of maintenance or repair of a drain under Section 196 of the Code, the county drain commissioner must advertise for the receipt of bids at a specified time, date, and location.

Additionally, the bill would make the following changes to notice requirements:

- 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 township, 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 to post the requisite information on the commissioner's website and maintain the posting through the meeting. (If the commissioner did not have a website, 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 apportionment percentage, annual project assessment, or 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

FISCAL IMPACT:

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

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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.