

HOUSE BILL No. 5686

June 12, 2014, Introduced by Reps. Pscholka, Price, LaVoy, Dianda, Haveman, Foster and Schmidt and referred to the Committee on Local Government.

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending section 327 (MCL 280.327).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 327. (1) ~~In case~~**IF** it ~~becomes~~**IS** necessary for the
2 construction or maintenance of any highway to take the surplus
3 water across adjacent lands, ~~the state, county or township highway~~
4 ~~commissioner or county road commissioners~~**ANY OF THE FOLLOWING** may
5 ~~make under his or their name of office~~**SUBMIT** an application or
6 petition to the drain commissioner of the county **OR COUNTIES** in
7 which ~~such~~**THE** highway is situated to lay out and designate a
8 **COUNTY OR INTERCOUNTY** drainage district, locate and establish a
9 **COUNTY OR INTERCOUNTY** drain, **OR** clean out, widen, deepen,

1 straighten, or extend an established COUNTY OR INTERCOUNTY drain: ~~+~~
 2 Such

3 (A) THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT.

4 (B) A BOARD OF COUNTY ROAD COMMISSIONERS.

5 (C) IF A RESOLUTION IS ADOPTED PURSUANT TO SECTION 6 OF 1909
 6 PA 283, MCL 224.6, TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS
 7 THAT ARE OTHERWISE PROVIDED BY LAW FOR AN APPOINTED BOARD OF COUNTY
 8 ROAD COMMISSIONERS, A COUNTY BOARD OF COMMISSIONERS.

9 (2) AN application or petition UNDER SUBSECTION (1) shall
 10 conform to the law regulating applications or petitions for the
 11 laying out and designating a drainage district, locating and
 12 establishing of drains, and cleaning out, widening, deepening,
 13 straightening, and extending established COUNTY OR INTERCOUNTY
 14 drains. ~~+, and shall require no other signature than his own as~~
 15 ~~highway commissioner or county road commissioners. Such THE~~
 16 application or petition shall have the same force and effect, and
 17 be subject in other respects to the same laws and regulations that
 18 govern other ~~such~~ applications or petitions and shall confer the
 19 same jurisdiction and authority on the county drain commissioner OR
 20 DRAINAGE BOARD to lay out and designate a COUNTY OR INTERCOUNTY
 21 drainage district, locate and establish a COUNTY OR INTERCOUNTY
 22 drain, or clean out, widen, deepen, straighten, or extend an
 23 established COUNTY OR INTERCOUNTY drain. ~~+- Provided, That in cases~~
 24 ~~where HOWEVER, IF the state highway commissioner makes such~~
 25 DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT SUBMITS AN
 26 application or petition UNDER THIS SECTION, he OR SHE shall serve a
 27 copy of ~~such THE~~ application or petition on the director of THE

1 **DEPARTMENT OF** agriculture **AND RURAL DEVELOPMENT**, who shall within
2 ~~30-60~~ days hold a meeting at ~~some~~**A PUBLIC** place in the **VICINITY OF**
3 **THE PROPOSED OR ESTABLISHED COUNTY OR INTERCOUNTY** drainage district
4 for the purpose of determining the practicability or necessity of
5 ~~such~~**THE** drain, and ~~no~~**A** board of determination ~~shall be~~**IS NOT**
6 necessary to pass on those questions. ~~Said~~**THE** meeting shall be
7 held, notice given, and all persons interested may be heard in the
8 same manner as provided in section 102 or section 122. ~~of this act.~~
9 The determination of the director of **THE DEPARTMENT OF** agriculture
10 **AND RURAL DEVELOPMENT** shall be filed with the drain commissioner **OR**
11 **DRAINAGE BOARD.**