

# 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.**