

Act No. 552  
Public Acts of 2014  
Approved by the Governor  
January 10, 2015  
Filed with the Secretary of State  
January 15, 2015  
EFFECTIVE DATE: January 15, 2015

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2014**

**Introduced by Reps. Pscholka, Price, LaVoy, Dianda, Haveman, Foster and Schmidt**

# **ENROLLED HOUSE BILL No. 5686**

AN ACT to amend 1956 PA 40, entitled "An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties," by amending section 327 (MCL 280.327).

*The People of the State of Michigan enact:*

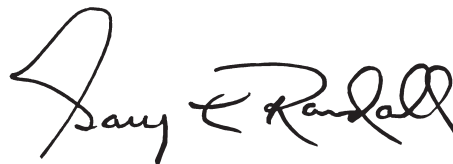
Sec. 327. (1) If it is necessary for the construction or maintenance of any highway to take the surplus water across adjacent lands, any of the following may submit an application or petition to the drain commissioner of the county or counties in which the highway is situated to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain:

- (a) The director of the state transportation department.
- (b) A board of county road commissioners.

(c) If a resolution is adopted pursuant to section 6 of 1909 PA 283, MCL 224.6, transferring the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners, a county board of commissioners.

(2) An application or petition under subsection (1) shall conform to the law regulating applications or petitions for the laying out and designating a drainage district, locating and establishing of drains, and cleaning out, widening, deepening, straightening, and extending established county or intercounty drains. The application or petition shall have the same force and effect, and be subject in other respects to the same laws and regulations that govern other applications or petitions and shall confer the same jurisdiction and authority on the county drain commissioner or drainage board to lay out and designate a county or intercounty drainage district, locate and establish a county or intercounty drain, or clean out, widen, deepen, straighten, or extend an established county or intercounty drain. However, if the director of the state transportation department submits an application or petition under this section, he or she shall serve a copy of the application or petition on the director of the department of agriculture and rural development, who shall within 60 days hold a meeting at a public place in the vicinity of the proposed or established county or intercounty drainage district for the purpose of determining the practicability or necessity of the drain, and a board of determination is not necessary to pass on those questions. The meeting shall be held, notice given, and all persons interested may be heard in the same manner as provided in section 102 or section 122. The determination of the director of the department of agriculture and rural development shall be filed with the drain commissioner or drainage board.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor