

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1082

(as amended December 17, 2014)

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
(MCL 280.1 to 280.630) by adding section 196a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 196A. NOTWITHSTANDING OTHER PROVISIONS OF THIS ACT, A  
2 DRAIN COMMISSIONER OR DRAINAGE BOARD MAY REMOVE ICE, FALLEN TREES,  
3 LOGJAMS, OR OTHER DEBRIS ON A WATERCOURSE THAT IS NOT A DRAIN  
4 ESTABLISHED UNDER THIS ACT IF, UPON INSPECTION, A LICENSED  
5 PROFESSIONAL ENGINEER HAS DETERMINED THAT THE ICE, FALLEN TREES,  
6 LOGJAMS, OR OTHER DEBRIS HAS CAUSED OR IS CAUSING FLOODING, AN  
7 IMMINENT RISK OF FLOODING, INCREASED EROSION, CHANNEL INSTABILITY,  
8 REDUCTION IN CAPACITY [THAT MAY CAUSE FLOODING], OR OTHER DAMAGE TO 1 OR  
9 INTERCOUNTY DRAINS ESTABLISHED UNDER THIS ACT. THE DRAIN  
10 COMMISSIONER OR DRAINAGE BOARD MAY UNDERTAKE THE REMOVAL OF ANY  
11 ICE, FALLEN TREES, LOGJAMS, OR OTHER DEBRIS AUTHORIZED BY THIS

1 SECTION AFTER OBTAINING WRITTEN PERMISSION FROM THE OWNER OR OWNERS  
2 OF PROPERTY WHERE THE ICE, FALLEN TREES, LOGJAMS, OR OTHER DEBRIS  
3 IS LOCATED AND, IF NECESSARY, THE OWNER OR OWNERS OF PROPERTY TO  
4 WHICH ACCESS IS REQUIRED TO REMOVE THE ICE, FALLEN TREES, LOGJAMS,  
5 OR OTHER DEBRIS. THE COSTS INCURRED BY THE DRAIN COMMISSIONER OR  
6 DRAINAGE BOARD UNDER THIS SECTION SHALL BE CHARGED TO THE  
7 BENEFITING DRAINAGE DISTRICTS CONSISTENT WITH THIS ACT, AND ARE  
8 SUBJECT TO THE EXPENDITURE LIMIT AND CONDITIONS SET FORTH IN  
9 SECTION 196 IF THE WORK IS PERFORMED WITHOUT PETITION.