

Legislative Analysis



NOTICE OF PETITION UNDER DRAIN CODE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6213 as introduced
Sponsor: Rep. Gary R. Eisen
Committee: Oversight
Revised 6-20-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6213 would amend the Drain Code to require the director of the Department of Human Services (DHHS) to notify the Senate and House of Representatives in writing within 24 hours after filing a petition with the circuit court containing findings that a disposal plant or filtration plant is inoperative or improperly operated in a way that endangers the public health.

The bill also would change which courts have jurisdiction over DHHS filings. Current law provides that the DHHS director may file with the probate court in the county in which the facilities are located. The bill would change the court of jurisdiction to the circuit court of the county in which the facilities are located. The bill makes a similar change, from probate court to circuit court, for filings by the director of the Michigan Department of Transportation or a city, township, or village contesting apportionment of drain benefits.

MCL 280.424

FISCAL IMPACT:

House Bill 6213 would have a modest financial cost to DHHS related to new requirements for notification by DHHS to the legislature of the filing of a legal petition by the DHHS Director of an endangerment to human health under section 424 of the Drain Code.

The change from probate court jurisdiction to circuit court jurisdiction does not appear to have a material fiscal impact to the state or local units of government. The role of probate courts in Michigan has evolved from the time section 424 was enacted (1956). Circuit courts are now a more appropriate jurisdiction for these kinds of procedural filings.

Legislative Analyst: Rick Yuille
Fiscal Analysts: Susan Frey
William H. Hamilton

■ 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.