

# HOUSE BILL No. 4788

May 15, 1997, Introduced by Rep. Richner and referred to the Committee on Agriculture.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending sections 514 and 530 (MCL 280.514 and 280.530).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1        Sec. 514. (1) ~~There is hereby~~ A DRAINAGE BOARD IS created  
2 for each project petitioned for under ~~the provisions of~~ this  
3 chapter. ~~, a~~ THE drainage board ~~to~~ SHALL consist of ALL OF  
4 the FOLLOWING, AS APPLICABLE:
- 5        (A) THE director of THE DEPARTMENT OF agriculture. ~~and~~
- 6        (B) FOR EACH COUNTY INCLUDED IN THE PRELIMINARY FINDING OF  
7 THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE UNDER SECTION 517,  
8 the drain commissioner. ~~of each county involved in the~~  
9 ~~project.~~
- 10       (C) IF A COUNTY INCLUDED IN THE PRELIMINARY FINDING OF THE  
11 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE UNDER SECTION 517 IS A

1 COUNTY DESCRIBED IN SECTION 21A, IN WHICH THE POWERS AND DUTIES  
2 OF A DRAIN COMMISSIONER ARE PERFORMED BY A PERSON OR PERSONS DES-  
3 IGNATED IN ACCORDANCE WITH THE COUNTY'S CHARTER, AND IF PUBLIC  
4 CORPORATIONS IN THAT COUNTY WILL BE ASSESSED 90% OR MORE OF THE  
5 COST OF THE PROJECT, A MEMBER OF THE GOVERNING BODY OF EACH  
6 PUBLIC CORPORATION IN THAT COUNTY THAT WILL BE ASSESSED FOR 30%  
7 OR MORE OF THE COST OF THE PROJECT. THE MEMBER SHALL BE  
8 APPOINTED BY A VOTE OF THE GOVERNING BODY OF THE PUBLIC  
9 CORPORATION. THE DETERMINATION WHETHER A PUBLIC CORPORATION IS  
10 ENTITLED TO APPOINT A MEMBER OF THE DRAINAGE BOARD UNDER THIS  
11 SUBDIVISION SHALL INITIALLY BE MADE BY THE DIRECTOR OF THE  
12 DEPARTMENT OF AGRICULTURE AFTER THE PETITION FOR THE PROJECT IS  
13 FILED. AFTER THE FINAL ORDER OF APPORTIONMENT IS ISSUED UNDER  
14 SECTION 521, THE DETERMINATION WHETHER A PUBLIC CORPORATION IS  
15 ENTITLED TO BE REPRESENTED BY A MEMBER UNDER THIS SUBDIVISION  
16 SHALL BE BASED ON THE FINAL ORDER OF APPORTIONMENT.  
17 NOTWITHSTANDING SECTION 511, AS USED IN THIS SUBDIVISION, "PUBLIC  
18 CORPORATION" MEANS A CITY, VILLAGE, TOWNSHIP, METROPOLITAN DIS-  
19 TRICT, OR AUTHORITY CREATED BY OR PURSUANT TO STATE STATUTE,  
20 LOCATED ENTIRELY WITHIN 1 COUNTY.

21 (2) The director of THE DEPARTMENT OF agriculture shall be  
22 the ~~chairman of said~~ CHAIRPERSON OF THE DRAINAGE board. ~~Said~~  
23 THE DRAINAGE board shall select 1 of its members as secretary.

24 (3) THE DRAINAGE BOARD MAY PROVIDE COMPENSATION, MILEAGE,  
25 AND EXPENSES FOR A PERSON SERVING ON THE DRAINAGE BOARD UNDER  
26 SUBSECTION (1)(C). HOWEVER, ANY COMPENSATION SHALL NOT EXCEED

1 \$25.00 PER DIEM, EXCLUDING MILEAGE AND EXPENSES, FOR ATTENDING  
2 DRAINAGE BOARD MEETINGS.

3       Sec. 530. (1) The drainage board for each project shall  
4 continue in existence with ~~such~~ changes in personnel ~~as shall~~  
5 THAT result from changes in the ~~offices~~ OFFICE of director of  
6 THE DEPARTMENT OF agriculture ~~and drain commissioners~~ OR IN THE  
7 OFFICE OF DRAIN COMMISSIONER OR CHANGES IN PUBLIC CORPORATIONS  
8 ENTITLED TO REPRESENTATION UNDER SECTION 514(1)(C). ~~It shall~~  
9 ~~be~~ THE DRAINAGE BOARD IS responsible for the operation and main-  
10 tenance of the drain. Any necessary expenses incurred in admin-  
11 istration and in the operation and maintenance of the drain and  
12 not covered by contract shall be ASSESSED AGAINST AND paid by the  
13 ~~several~~ public corporations assessed for the cost of the  
14 drain. The assessments FOR THESE EXPENSES shall be in the same  
15 proportion as the ASSESSMENTS FOR THE cost of the drain ~~was~~  
16 ~~assessed~~ unless the drainage board establishes a different pro-  
17 portion for the assessments FOR THESE EXPENSES after notice and  
18 hearing as provided in section 521.

19       (2) The drainage board ~~—~~ by resolution ~~duly adopted by~~  
20 ~~it,~~ may relinquish jurisdiction and control over ~~any~~ ALL OR  
21 part of a drain or drain project ~~at any time when there is no~~  
22 ~~outstanding indebtedness or contract liability of its drainage~~  
23 ~~district,~~ to the county, township, city, or village in which the  
24 DRAIN OR DRAIN PROJECT, OR THE part of the drain or drain project  
25 OVER WHICH JURISDICTION AND CONTROL IS TO BE RELINQUISHED, is  
26 wholly located, if the county, township, city, or village  
27 requests or consents to ~~the relinquishment~~ ASSUMPTION of

1 jurisdiction and control by resolution duly adopted by its  
2 governing body AND THE DRAINAGE DISTRICT HAS NO OUTSTANDING  
3 INDEBTEDNESS OR CONTRACT LIABILITY. ~~Indebtedness~~ FOR THE PUR-  
4 POSES OF THIS SUBSECTION, INDEBTEDNESS or contract liability of  
5 ~~any~~ A drainage district ~~which~~ THAT will be paid in full at  
6 the time of consummation of relinquishment of jurisdiction and  
7 control ~~shall not be deemed~~ IS NOT CONSIDERED to be  
8 outstanding. If ~~relinquishment of~~ jurisdiction and control is  
9 RELINQUISHED to a county, the resolution of the ~~governing body~~  
10 ~~of the~~ county BOARD OF COMMISSIONERS shall specify the county  
11 agency, such as THE board of public works, drain commissioner,  
12 board of county road commissioners, or parks and recreation com-  
13 mission, ~~which~~ THAT shall ~~be thereafter responsible for exer-~~  
14 ~~cise of such~~ ASSUME jurisdiction and control. Any ~~moneys~~  
15 MONEY in the drain fund of ~~any~~ A drain, over any part of which  
16 jurisdiction and control is relinquished, shall be used to pay  
17 any indebtedness or contract liability of ~~its~~ THE drainage dis-  
18 trict, and the balance shall be ~~turned over~~ ASSIGNED to the  
19 county, township, city, or village to be used solely with respect  
20 to the drain, ~~all~~ or part ~~thereof~~ OF THE DRAIN, over which  
21 jurisdiction and control is assumed. If the relinquishment of  
22 jurisdiction and control and the ~~turnover~~ ASSIGNMENT of THE  
23 BALANCE OF THE drain fund relates to a part of a drain or drain  
24 project, ~~such~~ THE relinquishment and ~~turnover shall not~~  
25 ~~become~~ ASSIGNMENT IS NOT effective until consented to by resolu-  
26 tion of the governing body of each public corporation ~~which~~  
27 THAT has paid a part of the cost of the drain or drain project,

1 and for this purpose the board of county road commissioners and  
2 the state ~~highway~~ TRANSPORTATION commission ~~shall be deemed~~  
3 ARE CONSIDERED to be the governing ~~body~~ BODIES for the county  
4 and ~~the~~ THIS state, RESPECTIVELY.