

A SUMMARY OF HOUSE BILL 6255 AS INTRODUCED 8-13-02

The bill would amend provisions in Chapter 21 of the Drain Code of 1956 (Public Act 40) pertaining to the composition of intercounty drainage boards.

Under the act, drainage boards are established for each intercounty drainage project. The board consists of the director of the Department of Agriculture (MDA) and the drain commissioner of each county involved in the project. The bill specifies that the board would consist of the MDA director and the drain commissioner for each county included in the preliminary finding of the MDA director. [Note: Under the act, upon receipt of a petition for an intercounty drainage project, the MDA director is required to make a preliminary finding of the counties that include public corporations that should be assessed for the costs of the proposed drain.] In addition, the bill adds that the drainage board would consist of a member of the governing body of certain public corporations. Specifically, if a county included in the preliminary finding of the MDA director is a county with an elected county executive, a population of more than 2 million at the time its charter was adopted, and a charter that designates a person to perform the duties of the drain commissioner (Wayne County), and if public corporations in that county are, or will be, assessed 90 percent or more of the cost of the project, the drainage board would also include a member of the governing body of each public corporation in that county that is, or will be, assessed for 30 percent or more of the cost of the project.

In addition, for drains for which the final order of apportionment for costs assessed to each public corporation is issued after the bill's effective date, the MDA director would make the initial determination as to whether a public corporation is entitled to appoint a member to the drainage board. For drains for which a final order of apportionment has already been issued, the determination as to whether a public corporation is entitled to appoint a member to the drainage board would be based on the final order of apportionment. As used in the bill, "public corporation" refers to a city, village, township, metropolitan district, or authority created by or pursuant to state statute, located entirely within one county.

In addition, the bill adds that the drainage board could provide compensation, mileage, and expenses for a member of a public corporation serving on the drainage board. However, any compensation would not exceed \$25 per diem, excluding mileage and expenses, for attending board meetings.

MCL 280.514 and 280.530

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.