

# HOUSE BILL No. 6255

August 13, 2002, Introduced by Rep. Richner and referred to the Committee on Agriculture and Resource Management.

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 ARE ASSESSED OR, FOR A NEW PROJECT,  
5 WILL BE ASSESSED 90% OR MORE OF THE COST OF THE PROJECT, A MEMBER  
6 OF THE GOVERNING BODY OF EACH PUBLIC CORPORATION IN THAT COUNTY  
7 THAT IS OR WILL BE ASSESSED FOR 30% OR MORE OF THE COST OF THE  
8 PROJECT. THE MEMBER SHALL BE APPOINTED BY A VOTE OF THE GOVERN-  
9 ING BODY OF THE PUBLIC CORPORATION. FOR DRAINS FOR WHICH THE  
10 FINAL ORDER OF APPORTIONMENT UNDER SECTION 521 IS ISSUED AFTER  
11 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVI-  
12 SION, THE DETERMINATION WHETHER A PUBLIC CORPORATION IS ENTITLED  
13 TO APPOINT A MEMBER OF THE DRAINAGE BOARD UNDER THIS SUBDIVISION  
14 SHALL INITIALLY BE MADE BY THE DIRECTOR OF THE DEPARTMENT OF  
15 AGRICULTURE AFTER THE PETITION FOR THE PROJECT IS FILED. FOR ALL  
16 DRAINS FOR WHICH A FINAL ORDER OF APPORTIONMENT HAS BEEN ISSUED,  
17 THE DETERMINATION WHETHER A PUBLIC CORPORATION IS ENTITLED TO BE  
18 REPRESENTED BY A MEMBER UNDER THIS SUBDIVISION SHALL BE BASED ON  
19 THE FINAL ORDER OF APPORTIONMENT. NOTWITHSTANDING SECTION 511,  
20 AS USED IN THIS SUBDIVISION, "PUBLIC CORPORATION" MEANS A CITY,  
21 VILLAGE, TOWNSHIP, METROPOLITAN DISTRICT, OR AUTHORITY CREATED BY  
22 OR PURSUANT TO STATE STATUTE, LOCATED ENTIRELY WITHIN 1 COUNTY.

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

26 (3) THE DRAINAGE BOARD MAY PROVIDE COMPENSATION, MILEAGE,  
27 AND EXPENSES FOR A PERSON SERVING ON THE DRAINAGE BOARD UNDER

1 SUBSECTION (1)(C). HOWEVER, ANY COMPENSATION SHALL NOT EXCEED  
2 \$25.00 PER DIEM, EXCLUDING MILEAGE AND EXPENSES, FOR ATTENDING  
3 DRAINAGE BOARD MEETINGS.

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

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

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

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