

# HOUSE BILL NO. 5738

May 23, 2024, Introduced by Rep. Paiz and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending section 514 (MCL 280.514), as amended by 2006 PA 16.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 514. (1) A drainage board is created for each project  
2 petitioned for under this chapter. Except as otherwise provided in  
3 ~~subsection~~**subsections** (3) **and (4)**, the drainage board shall  
4 consist of the director of the department of agriculture **and rural**  
5 **development** and the drain commissioner of each county involved in  
6 the project.

1           (2) The director of the department of agriculture **and rural**  
2 **development** shall be the chairperson of the drainage board. The  
3 drainage board shall select 1 of its members as secretary.

4           (3) ~~If~~ **Except as provided in subsection (4), if** a project  
5 involves a county with an appointed rather than an elected drain  
6 commissioner and a population of more than 1,000,000, the drainage  
7 board shall consist of the director of the department of  
8 agriculture **and rural development**, the drain commissioner of each  
9 county involved in the project, and an individual appointed by each  
10 drain commissioner of each county involved in the project,  
11 including a county with an elected drain commissioner. The  
12 appointee shall be an elected official, or his or her designee, of  
13 a city, village, or township subject to assessment for the project.  
14 The appointee shall serve for a 2-year term and shall not be  
15 appointed for successive terms unless the city, village, or  
16 township that he or she represents is the only municipality in the  
17 county subject to assessment. Following the completion of the 2-  
18 year term, the drain commissioner shall, if possible, appoint an  
19 elected official, or his or her designee, from a different city,  
20 village, or township subject to assessment for the project. If an  
21 appointee fails or refuses to serve or is disqualified, the drain  
22 commissioner shall appoint a successor to complete the remainder of  
23 ~~his or her~~ **the** term.

24           (4) **If a project involves 2 counties, if both counties are**  
25 **organized under 1966 PA 293, MCL 45.501 to 45.521, if 1 of the**  
26 **counties has an appointed rather than an elected drain commissioner**  
27 **and a population of more than 1,000,000, and if the only**  
28 **municipalities subject to assessment are 3 cities, the drainage**  
29 **board shall consist of the director of the department of**

1 agriculture and rural development, the drain commissioner of each  
2 county involved in the project, and an elected official, or his or  
3 her designee, of each city subject to assessment for the project.  
4 The elected official shall be appointed by the drain commissioner  
5 of the county in which the city is located. The appointees shall  
6 serve for 2-year terms. If an appointee fails or refuses to serve  
7 or is disqualified, the drain commissioner shall appoint a  
8 successor to complete the remainder of the term.

9       (5) ~~(4) Subsection~~ **Subsections** (3) ~~does~~ **and (4) do** not apply  
10 to a project that involves a county with a population of more than  
11 1,000,000 ~~which was~~ **and that is** organized pursuant to 1973 PA 139,  
12 MCL 45.551 to 45.573.