

SUBSTITUTE FOR  
SENATE BILL NO. 1117

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending section 464 (MCL 280.464), as amended by 1989 PA 134.

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

1       Sec. 464. (1) ~~There~~ **A DRAINAGE BOARD** is created for each  
2 project petitioned for under this chapter. ~~, a drainage board that,~~  
3 ~~except~~ **EXCEPT** as otherwise provided in subsection (2), **THE DRAINAGE**  
4 **BOARD** shall consist of the drain commissioner of the county, the  
5 chairperson of the county board of commissioners, and the  
6 chairperson of the board of county auditors. If there is no board  
7 of county auditors in the county, then the chairperson of the  
8 finance committee of the county board of commissioners shall ~~act as~~  
9 **BE** a member of the drainage board. ~~, and if~~ **IF** there is neither a

1 board of county auditors nor finance committee, then the  
2 chairperson of the county board of commissioners shall select from  
3 time to time 1 member of the county board of commissioners to ~~act~~  
4 ~~as~~ **BE** a member of the drainage board. If a member of the drainage  
5 board who is a ~~commissioner~~, **MEMBER OF THE COUNTY BOARD OF**  
6 **COMMISSIONERS**, as provided in this section or section 487, is  
7 interested in a project petitioned for under this chapter, by  
8 reason of his or her holding an elected or appointed office in a  
9 public corporation to be assessed for the cost of the project, he  
10 or she is disqualified to act as a member of the drainage board  
11 with respect to the project. In ~~such~~ **THAT** case the vice-chairperson  
12 or chairperson pro tempore of the county board of commissioners or  
13 of the finance committee of the county board of commissioners, if  
14 not also disqualified, shall act as the member. If the vice-  
15 chairperson or chairperson pro tempore is disqualified, the drain  
16 commissioner of the county shall designate a member of the county  
17 board of commissioners who is not disqualified to act as a member  
18 of the drainage board for the project. The chairperson of the  
19 county board of commissioners and any member of a county board of  
20 commissioners serving on the drainage board shall receive the  
21 compensation, mileage, and expenses as provided by the drainage  
22 board. However, compensation paid to a member shall not exceed  
23 \$25.00 per diem, exclusive of mileage and expenses, for attendance  
24 at drainage board meetings. The county drain commissioner shall be  
25 chairperson of the drainage board. The chairperson shall keep  
26 minutes of the proceedings of the drainage board and all records  
27 and files of the board shall be kept in his or her office. In

1 counties of less than 500,000 population, the commissioner shall be  
2 paid the same compensation as other members of the drainage board.

3 (2) ~~In-IF~~ a county **IS** organized under a charter adopted under  
4 ~~Act No. 293 of the Public Acts of 1966, being sections 45.501 to~~  
5 ~~45.521 of the Michigan Compiled Laws, that has a population of more~~  
6 ~~than 2,000,000 at the time the charter is adopted and whose 1966 PA~~  
7 **293, MCL 45.501 TO 45.521, AND THE** charter prescribes an elected  
8 county executive, the drainage board shall consist of the following  
9 members:

10 (a) The person designated by the charter to carry out the  
11 administrative duties of the drain commissioner or that person's  
12 designee, who shall also serve as chairperson of the drainage  
13 board.

14 (b) The county commissioner whose district will be assessed  
15 for the greatest portion of the cost of the project, or that county  
16 commissioner's designee. The determination of which county  
17 commissioner is qualified to sit under this subdivision shall  
18 initially be made by the chairperson of the drainage board ~~at the~~  
19 ~~time~~ **WHEN** the petition for the project is filed. After the final  
20 order of apportionment is issued under section 469, the county  
21 commissioner who qualifies under this section shall become the  
22 county commissioner member and serve until another apportionment is  
23 established requiring the seating of another commissioner.

24 (c) A person appointed by the county executive with the advice  
25 and consent of a majority of the members of the county board of  
26 commissioners elected or appointed and serving.

27 (3) In a county described in subsection (2), the requirements

1 in this chapter for substantive actions and determinations shall be  
2 followed in administering each project petitioned for under this  
3 chapter, subject to and in accordance with any applicable  
4 provisions of the county charter.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.