



HOUSE BILL No. 4213

January 30, 1995, Introduced by Rep. Bryant and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 514 and 530 of Act No. 40 of the Public Acts of 1956, entitled as amended "The drain code of 1956," being sections 280.514 and 280.530 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 514 and 530 of Act No. 40 of the Public
2 Acts of 1956, being sections 280.514 and 280.530 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 514. (1) ~~There is hereby~~ A DRAINAGE BOARD IS created
5 for each project petitioned for under ~~the provisions of~~ this
6 chapter. ~~THE~~ drainage board ~~to~~ SHALL consist of ALL OF
7 the FOLLOWING, AS APPLICABLE:

8 (A) THE director of THE DEPARTMENT OF agriculture. ~~and~~

1 (B) FOR EACH COUNTY INCLUDED IN THE PRELIMINARY FINDING OF
2 THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE UNDER SECTION 517,
3 the drain commissioner. ~~of each county involved in the~~
4 ~~project.~~

5 (C) IF 1 OF THE COUNTIES INCLUDED IN THE PRELIMINARY FINDING
6 OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE UNDER
7 SECTION 517 IS ORGANIZED UNDER ACT NO. 293 OF THE PUBLIC ACTS OF
8 1966, BEING SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED
9 LAWS, THEN, FOR EACH COUNTY INCLUDED IN THE PRELIMINARY FINDING,
10 1 OF THE FOLLOWING, AS APPLICABLE:

11 (i) IF THE COUNTY IS ORGANIZED UNDER ACT NO. 293 OF THE
12 PUBLIC ACTS OF 1966, THE COUNTY COMMISSIONER WHOSE DISTRICT WILL
13 BE ASSESSED FOR THE GREATEST PORTION OF THE COST OF THE PROJECT,
14 OR THAT COUNTY COMMISSIONER'S DESIGNEE. THE DETERMINATION OF
15 WHICH COUNTY COMMISSIONER IS QUALIFIED TO BE A MEMBER OF THE
16 DRAINAGE BOARD UNDER THIS SUBDIVISION SHALL INITIALLY BE MADE BY
17 THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE WHEN THE PETITION
18 FOR THE PROJECT IS FILED. AFTER THE FINAL ORDER OF APPORTIONMENT
19 IS ISSUED UNDER SECTION 521, THE COUNTY COMMISSIONER WHO QUALI-
20 FIES UNDER THIS SUBPARAGRAPH BASED ON THE FINAL ORDER OF APPOR-
21 TIONMENT OR THAT COUNTY COMMISSIONER'S DESIGNEE SHALL BECOME THE
22 MEMBER UNDER THIS SUBPARAGRAPH AND SHALL SERVE UNTIL ANOTHER
23 APPORTIONMENT IS ESTABLISHED REQUIRING THE SEATING OF ANOTHER
24 COMMISSIONER OR DESIGNEE.

25 (ii) IF THE COUNTY IS NOT DESCRIBED IN SUBPARAGRAPH (i), A
26 PERSON APPOINTED BY THE CHAIRPERSON OF THE COUNTY BOARD OF
27 COMMISSIONERS.

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

4 (3) THE DRAINAGE BOARD MAY PROVIDE COMPENSATION, MILEAGE,
5 AND EXPENSES FOR A PERSON SERVING ON THE DRAINAGE BOARD UNDER
6 SUBSECTION (1)(C). HOWEVER, ANY COMPENSATION SHALL NOT EXCEED
7 \$25.00 PER DIEM, EXCLUDING MILEAGE AND EXPENSES, FOR ATTENDING
8 DRAINAGE BOARD MEETINGS.

9 Sec. 530. (1) The drainage board for each project shall
10 continue in existence with ~~such~~ changes in personnel ~~as shall~~
11 THAT result from changes in the ~~offices~~ OFFICE OF COUNTY COM-
12 MISSIONER DESCRIBED IN SECTION 514(1)(C)(i), IF APPLICABLE, IN
13 THE OFFICE of director of THE DEPARTMENT OF agriculture, ~~and~~
14 ~~drain commissioners~~ OR IN THE OFFICE OF DRAIN COMMISSIONER. ~~It~~
15 ~~shall be~~ THE DRAINAGE BOARD IS responsible for the operation and
16 maintenance of the drain. Any necessary expenses incurred in
17 administration and in the operation and maintenance of the drain
18 and not covered by contract shall be ASSESSED AGAINST AND paid by
19 the ~~several~~ public corporations assessed for the cost of the
20 drain. The assessments FOR THESE EXPENSES shall be in the same
21 proportion as the ASSESSMENTS FOR THE cost of the drain ~~was~~
22 ~~assessed~~ unless the drainage board establishes a different pro-
23 portion for the assessments FOR THESE EXPENSES after notice and
24 hearing as provided in section 521.

25 (2) The drainage board ~~by~~ by resolution ~~duly adopted by~~
26 ~~it,~~ may relinquish jurisdiction and control over ~~any~~ ALL OR
27 part of a drain or drain project ~~at any time when there is no~~

~~1 outstanding indebtedness or contract liability of its drainage~~
~~2 district,~~ to the county, township, city, or village in which the
 3 DRAIN OR DRAIN PROJECT, OR THE part of the drain or drain project
 4 OVER WHICH JURISDICTION AND CONTROL IS TO BE RELINQUISHED, is
 5 wholly located, if the county, township, city, or village
 6 requests or consents to ~~the relinquishment~~ ASSUMPTION of juris-
 7 diction and control by resolution duly adopted by its governing
 8 body AND THE DRAINAGE DISTRICT HAS NO OUTSTANDING INDEBTEDNESS OR
 9 CONTRACT LIABILITY. ~~Indebtedness~~ FOR THE PURPOSES OF THIS SUB-
 10 SECTION, INDEBTEDNESS or contract liability of ~~any~~ A drainage
 11 district ~~which~~ THAT will be paid in full at the time of consum-
 12 mation of relinquishment of jurisdiction and control ~~shall not~~
 13 ~~be deemed~~ IS NOT CONSIDERED to be outstanding. If
 14 ~~relinquishment of~~ jurisdiction and control is RELINQUISHED to a
 15 county, the resolution of the ~~governing body of the~~ county
 16 BOARD OF COMMISSIONERS shall specify the county agency, such as
 17 board of public works, drain commissioner, board of county road
 18 commissioners, or parks and recreation commission, ~~which~~ THAT
 19 shall ~~be thereafter responsible for exercise of such~~ ASSUME
 20 jurisdiction and control. Any ~~moneys~~ MONEY in the drain fund
 21 of ~~any~~ A drain, over any part of which jurisdiction and control
 22 is relinquished, shall be used to pay any indebtedness or con-
 23 tract liability of ~~its~~ THE drainage district, and the balance
 24 shall be ~~turned over~~ ASSIGNED to the county, township, city, or
 25 village to be used solely with respect to the drain, ~~all~~ or
 26 part ~~thereof~~ OF THE DRAIN, over which jurisdiction and control
 27 is assumed. If the relinquishment of jurisdiction and control

1 and the ~~turnover~~ ASSIGNMENT of THE BALANCE OF THE drain fund
2 relates to a part of a drain or drain project, ~~such~~ THE relin-
3 quishment and ~~turnover~~ ASSIGNMENT shall not become effective
4 until consented to by resolution of the governing body of each
5 public corporation ~~which~~ THAT has paid a part of the cost of
6 the drain or drain project, and for this purpose the board of
7 county road commissioners and the state ~~highway~~ TRANSPORTATION
8 commission ~~shall be deemed~~ ARE CONSIDERED to be the governing
9 ~~body~~ BODIES for the county and ~~the~~ THIS state, RESPECTIVELY.