



HOUSE BILL No. 5359

February 15, 2000, Introduced by Reps. Ehardt, Richardville, Vear, Green, Brater and Rivet 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 601 and 602 (MCL 280.601 and 280.602) and by
adding sections 585, 586, 587, 588, 589, 590, 591, 592, 593, 594,
595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, and
616; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 22 —

WATERSHED MANAGEMENT —

~~DISTRICTS AND SUBDISTRICTS.~~

SEC. 585. AS USED IN THIS CHAPTER, UNLESS THE CONTEXT INDICATES OTHERWISE:

(A) "ADVISORY BOARD" MEANS A WATERSHED MANAGEMENT DISTRICT
ADVISORY BOARD ESTABLISHED UNDER SECTION 592.

1 (B) "BENEFIT" OR "BENEFITS" MEANS THE ADVANTAGES RESULTING
2 FROM A PLAN OR PROJECT TO PUBLIC CORPORATIONS, THE RESIDENTS OF
3 PUBLIC CORPORATIONS, AND PROPERTY WITHIN PUBLIC CORPORATIONS.
4 BENEFITS INCLUDE, BUT ARE NOT LIMITED TO, BENEFITS THAT RESULT
5 FROM THE MANAGEMENT AND CONTROL OF WATER, SUCH AS ELIMINATION OR
6 REDUCTION OF FLOOD DAMAGE, ELIMINATION OR REDUCTION OF WATER
7 QUALITY CONDITIONS THAT JEOPARDIZE THE PUBLIC HEALTH, SAFETY, OR
8 WELFARE, INCREASE OF THE VALUE OR USE OF LANDS AND PROPERTY ARISING
9 FROM IMPROVED WATER QUALITY, INCREASED USEFULNESS OF THE
10 WATER FOR AGRICULTURAL OR RECREATIONAL USES, REDUCTION OF FLOOD-
11 ING, IMPROVED DRAINAGE, AND REMEDYING A PUBLIC CORPORATION'S CONTRIBUTIONS
12 TO THE CONDITIONS THAT MAKE A PLAN NECESSARY.

13 (C) "COMMISSION" MEANS THE WATERSHED MANAGEMENT COMMISSION
14 OF A DISTRICT.

15 (D) "DISTRICT", UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE,
16 MEANS A WATERSHED MANAGEMENT DISTRICT.

17 (E) "EXECUTIVE COMMITTEE" MEANS THE WATERSHED MANAGEMENT
18 DISTRICT EXECUTIVE COMMITTEE ESTABLISHED UNDER SECTION 591.

19 (F) "PETITION FILER" MEANS THE PERSON WHO FILED A PETITION
20 UNDER SECTION 586 TO INITIATE PROCEDURES TO ESTABLISH A
21 DISTRICT.

22 (G) "PLAN" MEANS A WATERSHED MANAGEMENT PLAN ADOPTED UNDER
23 SECTION 595.

24 (H) "PROJECT" MEANS AN ACTIVITY SET FORTH IN THE WATERSHED
25 MANAGEMENT PLAN.

26 (I) "PUBLIC CORPORATION" MEANS A COUNTY, TOWNSHIP, CITY, OR
27 VILLAGE.

1 (J) "STUDY" OR "WATERSHED STUDY" MEANS THE PROCESS BY WHICH
2 THE OBJECTIVES OF THE PETITION OR OBJECTIVES IDENTIFIED BY THE
3 COMMISSION ARE INVESTIGATED AND RESOLVED, SETTING FORTH THE
4 WATERSHED MANAGEMENT PLAN.

5 (K) "WATERSHED" MEANS A GEOGRAPHIC AREA OF ANY SIZE FROM
6 WHICH WATER SEEKS A COMMON OUTLET, INCLUDING, BUT NOT LIMITED TO,
7 A CREEKSHED, CATCHMENT AREA, DRAINAGE BASIN, DRAINAGE DISTRICT,
8 OR RIVER BASIN.

9 SEC. 586. (1) TO INITIATE PROCEDURES TO ESTABLISH A WATER-
10 SHED MANAGEMENT DISTRICT AND DEVELOP A WATERSHED MANAGEMENT PLAN,
11 A PETITION SHALL BE FILED WITH THE COUNTY BOARD OF COMMISSIONERS
12 IN A COUNTY WHERE ALL OR A PORTION OF THE PROPOSED WATERSHED MAN-
13 AGEMENT DISTRICT IS TO BE LOCATED AND ESTABLISHED.

14 (2) THE PETITION SHALL STATE THAT IT IS FILED UNDER THIS
15 CHAPTER, REQUEST THE ESTABLISHMENT OF A DISTRICT, STATE THE PRO-
16 POSED NAME OF THE DISTRICT, AND PROVIDE INFORMATION SHOWING THAT
17 THE DISTRICT IS WARRANTED TO PROTECT THE PUBLIC HEALTH OR WELFARE
18 OR TO PROTECT AND REHABILITATE THE WATERS OF THE DISTRICT. THE
19 PETITION SHALL IDENTIFY THE COMMON OUTLET FOR THE PROPOSED
20 DISTRICT. THE PETITION SHALL INCLUDE A GENERAL DESCRIPTION OF
21 THE LOCATION OF THE PROPOSED DISTRICT WHICH MAY CONSIST OF A MAP
22 GENERALLY OUTLINING THE BOUNDARIES OF THE PROPOSED DISTRICT. THE
23 PETITION SHALL ALSO REQUEST THE DEVELOPMENT OF A WATERSHED MAN-
24 AGEMENT PLAN AND IDENTIFY THE OBJECTIVES TO BE INVESTIGATED. THE
25 PETITION MAY SPECIFY PERSONS OR ENTITIES THAT SHOULD BE CONSID-
26 ERED FOR MEMBERSHIP ON ANY APPOINTED WATERSHED ADVISORY BOARD.

1 (3) A PETITION FOR THE ESTABLISHMENT OF A DISTRICT SHALL BE
2 SIGNED BY 1 OF THE FOLLOWING, AS APPLICABLE:

3 (A) FOR A DISTRICT LYING WHOLLY WITHIN THE BOUNDARIES OF 1
4 COUNTY, BY A RESOLUTION OF THE GOVERNING BODY OF AT LEAST 1
5 PUBLIC CORPORATION LYING WHOLLY OR PARTLY WITHIN THAT COUNTY AND
6 WHOLLY OR PARTLY WITHIN THE DISTRICT.

7 (B) FOR A DISTRICT LYING WHOLLY OR PARTLY WITHIN 2 OR MORE
8 COUNTIES, BY RESOLUTIONS OF THE GOVERNING BODIES OF AT LEAST 2
9 PUBLIC CORPORATIONS LYING WHOLLY OR PARTLY WITHIN THOSE COUNTIES
10 AND WHOLLY OR PARTLY WITHIN THE DISTRICT.

11 SEC. 587. THE PETITION FILER SHALL ALSO FILE WITH THE BOARD
12 OF COUNTY COMMISSIONERS A CASH DEPOSIT SUFFICIENT TO PAY THE
13 COSTS, AS DETERMINED BY THE COUNTY BOARD OF COMMISSIONERS, OF
14 NOTICE UPON EACH AFFECTED PUBLIC CORPORATION, PUBLICATION OF
15 NOTICE FOR THE FIRST MEETING OF THE COMMISSION, AND PUBLICATION
16 OF THE FIRST HEARING. ANY UNUSED FUNDS FROM THE DEPOSIT SHALL BE
17 RETURNED TO THE PERSON FILING THE PETITION. IF A DISTRICT IS
18 ESTABLISHED, THE BALANCE OF THE DEPOSIT SHALL BE CONSIDERED A
19 COST OF THE WATERSHED MANAGEMENT DISTRICT, SHALL BE COLLECTED IN
20 THE FIRST ASSESSMENT, AND SHALL BE RETURNED TO THE PETITIONER
21 UPON COLLECTION OF THE FIRST ASSESSMENT.

22 SEC. 588. (1) WITHIN 42 DAYS FOLLOWING RECEIPT OF THE PETI-
23 TION, THE COUNTY BOARD OF COMMISSIONERS SHALL REVIEW THE PETITION
24 FOR SUFFICIENCY UNDER SECTION 586. IF THE PETITION IS INSUFFI-
25 CIENT UNDER SECTION 586, THE COUNTY BOARD OF COMMISSIONERS SHALL
26 RETURN THE PETITION TO THE FILER OF THE PETITION WITH A WRITTEN
27 EXPLANATION OF THE REASONS THAT THE PETITION IS INSUFFICIENT.

1 (2) IF THE COUNTY BOARD OF COMMISSIONERS FINDS THAT THE
2 PETITION IS SUFFICIENT, A WATERSHED MANAGEMENT COMMISSION IS
3 ESTABLISHED FOR THE PROPOSED DISTRICT. THE COMMISSION CONSISTS
4 OF THE FOLLOWING MEMBERS:

5 (A) THE DRAIN COMMISSIONER OF EACH COUNTY WITHIN THE
6 DISTRICT.

7 (B) THE CHIEF ELECTED OFFICIAL OR AN ELECTED OFFICIAL DESIG-
8 NATED BY THE CHIEF ELECTED OFFICIAL OF EACH PUBLIC CORPORATION
9 WITH LANDS WITHIN THE DISTRICT.

10 (C) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY
11 OR A PERSON DESIGNATED BY THE DIRECTOR AS A NONVOTING MEMBER.

12 (D) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR A
13 PERSON DESIGNATED BY THE DIRECTOR AS A NONVOTING MEMBER.

14 (E) UNLESS THE DISTRICT LIES WHOLLY WITHIN THE BOUNDARIES OF
15 1 COUNTY, THE DIRECTOR OF AGRICULTURE OR A PERSON DESIGNATED BY
16 THE DIRECTOR.

17 (3) WITHIN 28 DAYS OF DETERMINING THAT THE PETITION IS SUF-
18 FICIENT, THE COUNTY BOARD OF COMMISSIONERS SHALL DO BOTH OF THE
19 FOLLOWING:

20 (A) MAKE A PRELIMINARY FINDING OF THE PUBLIC CORPORATIONS
21 SUBJECT TO ASSESSMENT UNDER THIS CHAPTER.

22 (B) BY FIRST-CLASS MAIL PROVIDE NOTICE OF THE FIRST MEETING
23 OF THE WATERSHED MANAGEMENT COMMISSION TO ALL OF THE FOLLOWING:

24 (i) THE COUNTY CLERK, DRAIN COMMISSIONER, AND CHAIRPERSON OF
25 THE COUNTY ROAD COMMISSION OF EACH COUNTY SUBJECT TO ASSESSMENT
26 UNDER THIS CHAPTER.

1 (ii) THE CHAIRPERSON OF EACH CONSERVATION DISTRICT WITHIN
2 THE PROPOSED WATERSHED MANAGEMENT DISTRICT.

3 (iii) THE CLERK OF EACH CITY, VILLAGE, AND TOWNSHIP HAVING
4 LANDS WITHIN THE PROPOSED DISTRICT.

5 (iv) THE DIRECTOR OF AGRICULTURE.

6 (v) THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
7 QUALITY.

8 (vi) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

9 (vii) THE DIRECTOR OF TRANSPORTATION.

10 (viii) THE CHAIRPERSON OF ANY WATERSHED COUNCIL ESTABLISHED
11 UNDER PART 311 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTEC-
12 TION ACT, 1994 PA 451, MCL 324.31101 TO 324.31119, WHOSE WATER-
13 SHED LIES WHOLLY OR PARTLY WITHIN THE DISTRICT.

14 (4) THE NOTICE SHALL INCLUDE A COPY OF THE PETITION AND
15 SHALL REQUEST EACH NOTIFIED PUBLIC CORPORATION TO DESIGNATE A
16 REPRESENTATIVE TO THE COMMISSION AND STATE THE TIME AND PLACE OF
17 THE FIRST MEETING WHICH SHALL BE NOT LESS THAN 42 AND NOT MORE
18 THAN 63 DAYS FOLLOWING THE MAILING OF THE NOTICE. FAILURE OF THE
19 GOVERNING BODY OF A PUBLIC CORPORATION TO DESIGNATE A REPRESENTA-
20 TIVE TO THE COMMISSION DOES NOT PREVENT THE INCLUSION OF THE
21 PUBLIC CORPORATION IN THE DISTRICT OR EXEMPT IT FROM ASSESSMENT
22 OR OTHER OBLIGATIONS UNDER THIS CHAPTER.

23 (5) THE COUNTY BOARD OF COMMISSIONERS WITH WHOM THE PETITION
24 WAS FILED SHALL ALSO PUBLISH A NOTICE OF THE FIRST MEETING OF THE
25 COMMISSION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PROPOSED
26 DISTRICT.

1 (6) EACH COUNTY BOARD OF COMMISSIONERS WHOSE COUNTY LIES
2 WHOLLY OR PARTLY WITHIN THE BOUNDARIES OF THE DISTRICT SHALL BY
3 FIRST-CLASS MAIL DELIVER A COPY OF THE NOTICE UNDER SUBSECTION
4 (4) TO ANY INTERESTED PARTY THAT HAS MADE A WRITTEN REQUEST TO BE
5 NOTIFIED REGARDING WATERSHED MANAGEMENT DISTRICT PETITIONS.

6 SEC. 589. (1) AT THE FIRST MEETING OF THE COMMISSION, THE
7 COMMISSION SHALL ELECT A CHAIRPERSON, VICE-CHAIRPERSON, AND SEC-
8 RETARY FROM AMONG ITS MEMBERS. THE CHAIRPERSON OF THE COMMISSION
9 MAY VOTE ONLY IF NECESSARY TO CAST THE DECIDING VOTE IN CASE OF A
10 TIE.

11 (2) AT ITS FIRST MEETING, THE COMMISSION SHALL ESTABLISH THE
12 VOTING AUTHORITY OF ITS VOTING MEMBERS. THE VOTING AUTHORITY OF
13 MEMBERS DESCRIBED IN SECTION 588(2)(B) SHALL BE WEIGHTED. THE
14 WEIGHTING SHALL BE BASED UPON A COMBINATION OF THE PERCENTAGE OF
15 TOTAL POPULATION OF THE PROPOSED DISTRICT THAT RESIDES IN THE
16 PUBLIC CORPORATION REPRESENTED BY EACH MEMBER AND THE PERCENTAGE
17 OF THE TOTAL ACREAGE IN THE PROPOSED DISTRICT THAT LIES IN THE
18 PUBLIC CORPORATION REPRESENTED BY EACH MEMBER. THE COMMISSION
19 SHALL ADJUST THE VOTING AUTHORITY, IF NECESSARY, UPON THE
20 COMMISSION'S FINAL DETERMINATION OF THE DISTRICT BOUNDARY.

21 (3) THE COMMISSION SHALL DESIGNATE THE DRAIN COMMISSIONER OF
22 1 OF THE COUNTIES IN THE DISTRICT TO SERVE AS TREASURER OF THE
23 DISTRICT. MONEY HELD BY THE DISTRICT'S TREASURER SHALL ONLY BE
24 PAID OUT UPON THE ORDER OF THE COMMISSION EXCEPT FOR THE PAYMENT
25 OF PRINCIPAL AND INTEREST ON NOTES OR BONDS. THE COMMISSION
26 SHALL CAUSE THE ACCOUNTS OF THE DISTRICT'S TREASURER TO BE
27 AUDITED ANNUALLY BY A CERTIFIED PUBLIC ACCOUNTANT. THE EXPENSE

1 OF THE AUDIT SHALL BE PAID BY THE DISTRICT. THE DISTRICT'S
2 TREASURER SHALL INVEST THE FUNDS AS DIRECTED BY THE COMMISSION.
3 UNLESS THE COMMISSION DIRECTS OTHERWISE, THE FUNDS SHALL BE
4 INVESTED IN INTEREST BEARING ACCOUNTS IN THE NAME OF THE
5 DISTRICT.

6 (4) THE COMMISSION SHALL ADOPT RULES OF DISTRICT PROCEDURES
7 OR BYLAWS NOT INCONSISTENT WITH THIS CHAPTER.

8 (5) THE BUSINESS THAT THE COMMISSION, THE EXECUTIVE COMMIT-
9 TEE, IF ANY, OR THE ADVISORY BOARD MAY PERFORM SHALL BE CONDUCTED
10 AT A PUBLIC MEETING OF THE COMMISSION, THE EXECUTIVE COMMITTEE,
11 OR THE ADVISORY BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS
12 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

13 (6) A MEETING OF THE COMMISSION SHALL BE CALLED BY THE
14 CHAIRPERSON OR 2 OR MORE MEMBERS OF THE COMMISSION BY SENDING
15 NOTICE OF THE MEETING BY FIRST-CLASS MAIL TO EACH MEMBER NOT LESS
16 THAN 20 DAYS BEFORE THE DATE OF THE MEETING. A MAJORITY OF THE
17 MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSI-
18 NESS, BUT A LESSER NUMBER MAY ADJOURN FROM TIME TO TIME. UNLESS
19 OTHERWISE PROVIDED IN THIS ACT, AN ACTION SHALL NOT BE TAKEN
20 EXCEPT BY A MAJORITY VOTE OF THE MEMBERS PRESENT AND VOTING.

21 (7) THE COMMISSION SHALL MEET AT LEAST ONCE ANNUALLY BEFORE
22 APRIL 1. THE FIRST MEETING OF THE COMMISSION EACH YEAR SHALL BE
23 CONSIDERED ITS ANNUAL MEETING. AT ITS ANNUAL MEETING, THE COM-
24 MISSION SHALL DO ALL OF THE FOLLOWING:

25 (A) APPOINT MEMBERS OF THE WATERSHED ADVISORY BOARD AND
26 EXECUTIVE COMMITTEE AND SUCH OTHER COMMITTEES AS IT CONSIDERS
27 APPROPRIATE.

1 (B) APPROVE ASSESSMENTS FOR DISTRICT OPERATION AND WATERSHED
2 MANAGEMENT PLAN IMPLEMENTATION.

3 (C) APPROVE AN ANNUAL WORK PLAN AND ANNUAL BUDGET FOR THE
4 DISTRICT FOR THE ENSUING YEAR, AND CONDUCT OTHER BUSINESS.

5 (D) ISSUE AN ANNUAL REPORT STATING PROGRESS TOWARD THE
6 PETITION.

7 (E) CONDUCT OTHER BUSINESS.

8 (8) A COPY OF THE ANNUAL REPORT AND BUDGET SHALL BE PRE-
9 PARED, PUBLISHED, AND PROVIDED TO ALL PUBLIC CORPORATIONS IN THE
10 DISTRICT, THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF ENVI-
11 RONMENTAL QUALITY, AND THE DEPARTMENT OF NATURAL RESOURCES.

12 (9) ORDERS ISSUED BY THE COMMISSION SHALL BE SIGNED BY THE
13 CHAIRPERSON AND THE SECRETARY.

14 (10) THE SECRETARY SHALL PREPARE AND SIGN 3 DUPLICATE ORIGI-
15 NALS OF THE MINUTES OF THE PROCEEDINGS OF THE BODY. THE SECRE-
16 TARY SHALL RETAIN 1 DUPLICATE ORIGINAL, FILE 1 DUPLICATE ORIGINAL
17 WITH THE CHAIRPERSON, AND FILE 1 DUPLICATE ORIGINAL WITH THE
18 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. THE ORIGINALS OF ALL
19 PROCEEDINGS AND RECORDS SHALL BE KEPT ON FILE WITH THE
20 SECRETARY.

21 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
22 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
23 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
24 442, MCL 15.231 TO 15.246.

25 SEC. 590. (1) AT THE FIRST MEETING, THE COMMISSION SHALL
26 TENTATIVELY DETERMINE THE PRACTICALITY OF THE PETITION AND
27 WHETHER A DISTRICT IS WARRANTED TO PROTECT THE PUBLIC HEALTH OR

1 WELFARE OR TO PROTECT AND REHABILITATE THE WATERS OF THE
2 DISTRICT. IF THE COMMISSION DETERMINES THAT THE PETITION IS NOT
3 PRACTICAL, THE COMMISSION MAY RETURN THE PETITION TO THE PETITION
4 FILER FOR SUPPLEMENTATION AND REFINEMENT. IF SUCH REFINEMENT
5 RESULTS IN THE INCLUSION OF ADDITIONAL PUBLIC CORPORATIONS WHICH
6 ARE ENTITLED TO DESIGNATE A MEMBER OF THE COMMISSION, THE COMMIS-
7 SION SHALL NOTIFY THE CLERK OF THE PUBLIC CORPORATION OF THE TIME
8 AND PLACE TO RECONVENE THE COMMISSION. IF THE COMMISSION AT ANY
9 TIME DETERMINES THAT THE DISTRICT IS NOT WARRANTED TO PROTECT THE
10 PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHABILITATE THE
11 WATERS OF THE DISTRICT, IT SHALL ORDER THE PETITION DISMISSED AND
12 PROCEEDINGS UNDER THE PETITION SHALL BE TERMINATED. IF A PETI-
13 TION IS SO DISMISSED, A PETITION THAT IS THE SAME OR SUBSTAN-
14 TIALY THE SAME SHALL NOT BE FILED UNDER THIS CHAPTER FOR 1 YEAR
15 AFTER THE DATE OF DISMISSAL.

16 (2) IF THE COMMISSION TENTATIVELY FINDS THAT THE PETITION IS
17 PRACTICAL AND THAT THE WATERSHED MANAGEMENT DISTRICT IS WARRANTED
18 TO PROTECT THE PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHA-
19 BILITATE THE WATERS OF THE DISTRICT, IT SHALL PROMPTLY SELECT A
20 NAME FOR THE DISTRICT AND MAKE A TENTATIVE DETERMINATION OF THE
21 PUBLIC CORPORATIONS TO BE ASSESSED FOR THE COST, AND FIX A TIME,
22 DATE, AND PLACE TO HEAR OBJECTIONS TO THE ESTABLISHMENT OF THE
23 DISTRICT AND PUBLIC CORPORATIONS SUBJECT TO ASSESSMENT. THE
24 HEARING SHALL TAKE PLACE WITHIN 42 DAYS OF THE TENTATIVE DETERMI-
25 NATION OF THE PUBLIC CORPORATIONS TO BE ASSESSED. NOTICE OF THE
26 HEARING SHALL BE PUBLISHED TWICE IN A NEWSPAPER OF GENERAL
27 CIRCULATION IN THE DISTRICT. THE PUBLICATION SHALL NOT BE LESS

1 THAN 21 DAYS BEFORE THE DATE OF THE HEARING. THE NOTICE SHALL
2 ALSO BE SENT BY FIRST-CLASS MAIL TO THE CLERK OF EACH PUBLIC COR-
3 PORATION PROPOSED TO BE ASSESSED NOT LESS THAN 21 DAYS BEFORE THE
4 DATE OF THE HEARING. THE NOTICE SHALL BE SIGNED BY THE CHAIR-
5 PERSON AND PROOF OF THE PUBLICATION AND MAILING OF THE NOTICE
6 SHALL BE FILED IN HIS OR HER OFFICE. THE PROOF SHALL BE CONSID-
7 ERED CONCLUSIVE EVIDENCE OF THE PUBLICATION AND MAILING. THE
8 COMMISSION MAY PROVIDE A FORM TO BE SUBSTANTIALLY FOLLOWED IN
9 GIVING OF NOTICE.

10 (3) AFTER THE HEARING, THE COMMISSION SHALL DETERMINE
11 WHETHER THE PETITION IS PRACTICAL AND THE DISTRICT IS WARRANTED
12 TO PROTECT THE PUBLIC HEALTH OR WELFARE OR TO PROTECT AND REHA-
13 BILITATE THE WATERS OF THE DISTRICT AND, IF SO, THE PUBLIC CORPO-
14 RATIONS TO BE ASSESSED. THE COMMISSION SHALL ISSUE ITS ORDER
15 ACCORDINGLY. THE ORDER SHALL SET FORTH THE VOTING AUTHORITY OF
16 THE VOTING MEMBERS OF THE COMMISSION. THE ORDER SHALL BE KNOWN
17 AS THE ORDER DESIGNATING THE WATERSHED MANAGEMENT DISTRICT. A
18 PUBLIC CORPORATION SHALL NOT BE ELIMINATED FROM OR ADDED TO THOSE
19 TENTATIVELY DETERMINED TO BE ASSESSED WITHOUT A REHEARING AFTER
20 NOTICE.

21 (4) THE COMMISSION SHALL PUBLISH NOTICE OF THE ORDER DESIG-
22 NATING THE DISTRICT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
23 DISTRICT. THE NOTICE SHALL GIVE A GENERAL DESCRIPTION OF THE
24 COMMON OUTLET AND THE LOCATION OF THE DISTRICT AS SHOWN BY THE
25 ORDER. IN ADDITION, THE COMMISSION SHALL SERVE A COPY OF THE
26 ORDER BY FIRST-CLASS MAIL ON THE CLERKS OF EACH PUBLIC
27 CORPORATION WITHIN THE DISTRICT, THE DIRECTOR OF AGRICULTURE, THE

1 DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DIRECTOR
2 OF THE DEPARTMENT OF NATURAL RESOURCES, AND THE SECRETARY OF EACH
3 SOIL CONSERVATION DISTRICT WITHIN THE PROPOSED DISTRICT.

4 (5) NOT MORE THAN 28 DAYS AFTER PUBLICATION OF NOTICE OF THE
5 ORDER DESIGNATING THE DISTRICT, A PUBLIC CORPORATION AGGRIEVED BY
6 THE ORDER DESIGNATING THE DISTRICT MAY FILE AN APPEAL IN THE CIR-
7 CUIT COURT FOR THE COUNTY WHERE THAT PUBLIC CORPORATION IS
8 LOCATED.

9 SEC. 591. (1) THE COMMISSION SHALL FUNCTION AS THE GOVERN-
10 ING BODY OF THE DISTRICT. ACTIONS TAKEN BY THE COMMISSION SHALL
11 BE TAKEN IN THE NAME OF THE DISTRICT.

12 (2) AFTER THE COMMISSION ISSUES ITS ORDER DESIGNATING THE
13 DISTRICT, IT MAY APPOINT A WATERSHED MANAGEMENT DISTRICT EXECU-
14 TIVE COMMITTEE. ONLY MEMBERS OF THE COMMISSION ARE ELIGIBLE TO
15 BE MEMBERS OF THE EXECUTIVE COMMITTEE. THE MEMBERS OF THE EXECU-
16 TIVE COMMITTEE SHALL BE ELECTED BY A VOTE OF THE MAJORITY OF THE
17 MEMBERS OF THE COMMISSION. HOWEVER, THE DRAIN COMMISSIONER SERV-
18 ING ON THE COMMISSION SHALL BE A MEMBER OF THE EXECUTIVE
19 COMMITTEE.

20 (3) THE EXECUTIVE COMMITTEE SHALL PERFORM ADMINISTRATIVE AND
21 MINISTERIAL DUTIES AS DIRECTED BY THE COMMISSION AND OUTLINED IN
22 ITS BYLAWS. THE EXECUTIVE COMMITTEE'S DUTIES MAY INCLUDE CONDUCT
23 OF MEETINGS AND PUBLIC HEARINGS FOR PURPOSES OF RECOMMENDING A
24 WATERSHED MANAGEMENT PLAN AND RECOMMENDING IMPLEMENTATION OF THE
25 PLAN. THE EXECUTIVE COMMITTEE MAY PREPARE AND MAKE RECOMMENDA-
26 TIONS AS TO THE APPORTIONMENT OF COSTS AND THE REVIEW OF
27 EXPENDITURES. HOWEVER, THE ADOPTION OF THE FINAL PLAN,

1 IMPLEMENTATION OF THE PLAN, FINAL APPORTIONMENT OF COSTS,
2 ADOPTION OF AN ANNUAL BUDGET, AND AUTHORIZATION OF ASSESSMENTS
3 SHALL BE APPROVED BY THE MAJORITY OF THE COMMISSION.

4 SEC. 592. (1) AFTER THE ISSUANCE OF THE ORDER DESIGNATING
5 THE DISTRICT, THE COMMISSION SHALL DEVELOP THE TENTATIVE SCOPE OF
6 THE WATERSHED STUDY WHICH SHALL GUIDE THE DEVELOPMENT OF THE
7 WATERSHED MANAGEMENT PLAN.

8 (2) THE COMMISSION SHALL APPOINT A WATERSHED MANAGEMENT DIS-
9 TRICT ADVISORY BOARD. THE COMMISSION SHALL INVITE THE DEPARTMENT
10 OF NATURAL RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
11 THE STATE TRANSPORTATION DEPARTMENT, AND ANY WATERSHED COUNCIL
12 ESTABLISHED UNDER PART 311 OF THE NATURAL RESOURCES AND ENVIRON-
13 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.31101 TO 324.31119,
14 CONSERVATION DISTRICT, OR BOARD OF COUNTY ROAD COMMISSIONERS
15 WHOSE WATERSHED, CONSERVATION DISTRICT, OR COUNTY LIES WHOLLY OR
16 PARTLY WITHIN THE WATERSHED MANAGEMENT DISTRICT TO APPOINT A REP-
17 RESENTATIVE TO THE ADVISORY BOARD. THE COMMISSION MAY CONSIDER
18 AS MEMBERS OF THE ADVISORY BOARD THOSE PERSONS OR ENTITIES WHICH
19 WERE SPECIFIED AS PART OF THE PETITION, AND ANY OTHER PERSON OR
20 ENTITY WITH AN INTEREST IN THE DISTRICT, INCLUDING, BUT NOT
21 LIMITED TO, FEDERAL, STATE, COUNTY, AND MUNICIPAL AGENCIES,
22 REGIONAL PLANNING AGENCIES, PROPERTY OWNERS, AND INTEREST
23 GROUPS. IT IS INTENDED THAT THE ADVISORY BOARD INCLUDE MEMBERS
24 WHO WILL REPRESENT A BALANCE OF THE INTERESTS EXISTING IN THE
25 DISTRICT.

26 (3) AT ITS FIRST MEETING, THE ADVISORY BOARD SHALL ELECT A
27 CHAIRPERSON AND SECRETARY. MINUTES SHALL BE KEPT AT ALL

1 MEETINGS, AND RECORDS OF ALL PROCEEDINGS AND RECOMMENDATIONS OF
2 THE ADVISORY BOARD SHALL BE FILED IN THE OFFICE OF THE CHAIR-
3 PERSON OF THE COMMISSION.

4 (4) THE COMMISSION SHALL APPOINT AT LEAST 1 MEMBER OF THE
5 COMMISSION TO THE ADVISORY BOARD. ONCE THE ADVISORY BOARD HAS
6 BEEN ESTABLISHED, THE COMMISSION SHALL PERIODICALLY REVIEW THE
7 MEMBERSHIP BASED UPON DEMOGRAPHIC INFORMATION CONCERNING THE DIS-
8 TRICT AND REVISE THE MEMBERSHIP AS NECESSARY TO ENSURE A BALANCE
9 OF ALL INTERESTS IN THE DISTRICT.

10 (5) THE ADVISORY BOARD, IN CONJUNCTION WITH THE COMMISSION
11 OR ITS EXECUTIVE COMMITTEE, OR BOTH, SHALL FURTHER DEFINE THE
12 SCOPE OF THE WATERSHED STUDY. THE WATERSHED STUDY OR THE PLAN
13 MAY INCLUDE 1 OR MORE OF THE FOLLOWING:

14 (A) PREPARATION OF PLANS.

15 (B) PROBLEM ASSESSMENT.

16 (C) SPECIAL STUDIES.

17 (D) WATER QUALITY, WATER QUANTITY MONITORING, OR BIOLOGICAL
18 MONITORING.

19 (E) MODELING.

20 (F) DATA GATHERING.

21 (G) EDUCATION AND EDUCATION PROGRAMS.

22 (H) PURCHASE OF LANDS, ACQUISITION OF CONSERVATION OR OTHER
23 EASEMENTS OR RIGHTS-OF-WAY, OR PURCHASE OF DEVELOPMENT RIGHTS.

24 (I) DEVELOPMENT OF ORDINANCES AND REGULATORY PROGRAMS RECOM-
25 MENDED FOR CONSIDERATION BY PUBLIC CORPORATIONS.

26 (J) MAPPING.

1 (K) PUBLICATIONS.

2 (L) TESTING.

3 (M) HYDROLOGICAL ENGINEERING, ANALYSIS, AND MODELING.

4 (N) DEVELOPMENT AND DRAFTING OF RECOMMENDED MANAGEMENT
5 PRACTICES.

6 (O) ANY OTHER COMPONENT CONSIDERED APPROPRIATE BY THE COM-
7 MISSION TO ACCOMPLISH THE PURPOSE OF THIS CHAPTER, OTHER THAN
8 CONSTRUCTION ACTIVITIES WHICH CONSTITUTE MAINTENANCE, IMPROVE-
9 MENT, OR CONSTRUCTION OF A DRAIN OR CONSTRUCTION ACTIVITIES
10 WITHIN BOUNDARIES OF THE WATERCOURSE.

11 (6) THE ADVISORY BOARD SHALL CONDUCT PUBLIC MEETINGS TO
12 GATHER INPUT ON THE SCOPE OF THE WATERSHED STUDY. THE ADVISORY
13 BOARD SHALL PREPARE ITS RECOMMENDATION FOR THE SCOPE OF THE
14 WATERSHED STUDY. THE RECOMMENDATION SHALL BE FORWARDED TO THE
15 COMMISSION.

16 (7) UPON RECEIPT OF THE ADVISORY BOARD'S RECOMMENDATION, THE
17 COMMISSION SHALL CONVENE TO DECIDE WHETHER OR NOT TO TENTATIVELY
18 ADOPT THE SCOPE OF THE WATERSHED STUDY. THE COMMISSION SHALL SET
19 A TIME, DATE, AND PLACE TO HEAR ANY OBJECTIONS TO THE PROPOSED
20 SCOPE OF THE WATERSHED STUDY.

21 SEC. 593. (1) AFTER CONVENING A MEETING OF THE COMMISSION
22 TO HEAR ANY OBJECTIONS TO THE PROPOSED SCOPE OF THE WATERSHED
23 STUDY AND GIVING THE OBJECTIONS DUE CONSIDERATION, THE COMMISSION
24 SHALL CONVENE TO FINALIZE THE SCOPE OF THE WATERSHED STUDY, ADOPT
25 THE SCOPE OF THE WATERSHED STUDY, AND TENTATIVELY APPORTION BENE-
26 FITS IN A FIRST ORDER OF DETERMINATION.

1 (2) INTERESTED PARTIES MAY APPEAL THE SCOPE OF THE PLAN OR
2 THE APPORTIONMENT OF BENEFITS TO THE CIRCUIT COURT IN THE COUNTY
3 WHERE THEY RESIDE WITHIN 21 DAYS OF THE ISSUANCE OF THE FIRST
4 ORDER.

5 (3) THE COMMISSION SHALL NOT PROCEED WITH THE PREPARATION OF
6 THE WATERSHED STUDY WHILE ANY APPEALS ARE PENDING.

7 SEC. 594. (1) AFTER ANY APPEALS HAVE BEEN RESOLVED, THE
8 COMMISSION SHALL AUTHORIZE THE ADVISORY BOARD TO PREPARE THE
9 SCOPE OF THE WATERSHED STUDY. THE COMMISSION SHALL ESTABLISH
10 OPERATING PROCEDURES FOR THE ADVISORY BOARD TO COMPLETE THE
11 WATERSHED STUDY AND DEVELOP THE DRAFT PLAN.

12 (2) AFTER THE FIRST ORDER OF DETERMINATION HAS BEEN ENTERED,
13 THE COMMISSION MAY CONTRACT WITH PERSONS TO ASSIST IN THE COMPLE-
14 TION OF THE WATERSHED STUDY AND ASSIST THE ADVISORY BOARD IN THE
15 PREPARATION OF THE DRAFT PLAN. THE COMMISSION MAY HIRE EMPLOYEES
16 AND DETERMINE THEIR COMPENSATION. AN EMPLOYEE SHALL NOT BE A
17 MEMBER OF THE COMMISSION OR ANY ADVISORY BOARD.

18 (3) THE ADVISORY BOARD SHALL OBTAIN PUBLIC INPUT ON THE
19 DRAFT PLAN THROUGH A PUBLIC PARTICIPATION PROCESS THAT MAY
20 INCLUDE PUBLIC INFORMATION MEETINGS, NEWS RELEASES, AND OTHER
21 ACTIVITIES. AS A MINIMUM, THE ADVISORY BOARD SHALL CONVENE AT
22 LEAST 1 PUBLIC HEARING TO SOLICIT COMMENTS ON THE DRAFT PLAN.
23 THE ADVISORY BOARD SHALL GIVE DUE CONSIDERATION TO ANY RECOMMEN-
24 DATION SUBMITTED BY LANDOWNERS, PUBLIC CORPORATIONS, AND OTHER
25 INTERESTED PARTIES.

26 (4) PROMPTLY AFTER COMPLETION OF THE SCOPE OF THE WATERSHED
27 STUDY AND PREPARATION OF A DRAFT WATERSHED MANAGEMENT PLAN, THE

1 ADVISORY BOARD SHALL SUBMIT ITS REPORT AND RECOMMENDATIONS TO THE
2 COMMISSION.

3 SEC. 595. (1) AFTER RECEIPT OF THE WRITTEN REPORT AND REC-
4 OMMENDATIONS FROM THE ADVISORY BOARD, THE CHAIRPERSON OF THE COM-
5 MISSION SHALL FORWARD THE REPORT AND RECOMMENDATIONS TO THE MEM-
6 BERS OF THE COMMISSION AND SET THE TIME, DATE, AND PLACE FOR A
7 MEETING TO DECIDE WHETHER OR NOT TO TENTATIVELY ADOPT THE DRAFT
8 PLAN. IF THE COMMISSION TENTATIVELY ADOPTS THE DRAFT PLAN, THE
9 CHAIRPERSON OF THE COMMISSION SHALL GIVE NOTICE OF THE TIME,
10 DATE, AND PLACE OF A PUBLIC HEARING TO HEAR OBJECTIONS TO THE
11 DRAFT PLAN AND THE PROPOSED APPORTIONMENT OF COSTS OF IMPLEMENTA-
12 TION OF THE DRAFT PLAN TO THE DESIGNATED PUBLIC CORPORATIONS.
13 NOTICE OF THE HEARING SHALL BE PUBLISHED TWICE IN A NEWSPAPER OF
14 GENERAL CIRCULATION IN THE DISTRICT. THE FIRST PUBLICATION SHALL
15 BE NOT LESS THAN 21 DAYS BEFORE THE DATE OF THE HEARING. NOTICE
16 SHALL ALSO BE SENT BY FIRST-CLASS MAIL TO THE CLERK OF EACH
17 PUBLIC CORPORATION PROPOSED TO BE ASSESSED NOT LESS THAN 21 DAYS
18 BEFORE THE DATE OF THE HEARING. THE CHAIRPERSON OF THE COMMIS-
19 SION SHALL SIGN AND FILE IN HIS OR HER OFFICE AN AFFIDAVIT OF THE
20 PUBLISHED AND MAILED NOTICE. THE AFFIDAVIT IS CONCLUSIVE PROOF
21 OF THE PUBLICATION OR MAILING OF THE NOTICE.

22 (2) AT THE HEARING, THE COMMISSION SHALL RECEIVE TESTIMONY
23 AND EVIDENCE AS TO THE PRACTICALITY OF THE DRAFT PLAN. IF THE
24 COMMISSION FEELS THAT ADDITIONAL INFORMATION IS NEEDED BEFORE A
25 DRAFT PLAN CAN BE ADOPTED, IT MAY ADJOURN AS IT DEEMS NECESSARY,
26 BUT AN ADJOURNMENT SHALL NOT BE FOR LONGER THAN 63 DAYS. AFTER
27 THE HEARING, THE COMMISSION BY A MAJORITY VOTE SHALL MAKE A

1 DETERMINATION OF THE PRACTICALITY OF THE DRAFT PLAN, SHALL
2 ESTABLISH THE FINAL APPORTIONMENTS TO THE PUBLIC CORPORATIONS TO
3 BE ASSESSED, AND SHALL ENTER ORDERS THEREOF, WHICH ORDERS SHALL
4 BE KNOWN AS THE FINAL ORDER OF DETERMINATION AND FINAL ORDER OF
5 APPORTIONMENT, RESPECTIVELY. THE ORDERS SHALL BE FILED IN THE
6 OFFICE OF THE SECRETARY OF THE COMMISSION.

7 (3) APPORTIONMENTS OF BENEFITS UNDER THIS CHAPTER SHALL BE
8 BASED UPON BENEFITS TO THE PUBLIC CORPORATIONS TO BE ASSESSED,
9 THE EXTENT TO WHICH THE PUBLIC CORPORATION CONTRIBUTES TO THE
10 CONDITIONS THAT MAKE A PLAN NECESSARY AND DERIVES SPECIAL BENEFIT
11 DIRECTLY RELATED TO ACTIONS PROPOSED BY THE PLAN, AND WHETHER A
12 PUBLIC CORPORATION OR OWNERS OF LAND IN THE PUBLIC CORPORATION
13 SPECIFICALLY REQUESTED A PROVISION OF THE PLAN.

14 SEC. 596. IF THE PLAN AS SET FORTH IN THE FINAL ORDER OF
15 DETERMINATION PROPOSES THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE,
16 OR IMPROVEMENT OF A COUNTY OR INTERCOUNTY DRAIN, THE
17 ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, OR IMPROVEMENT SHALL BE
18 IMPLEMENTED PURSUANT TO THE APPROPRIATE PROVISIONS OF THIS ACT
19 AND BE SUBJECT TO THE JURISDICTION OF THE RESPECTIVE DRAIN COM-
20 MISSIONER OR DRAINAGE BOARD. THE COMMISSION MAY PETITION FOR
21 WORK OUTLINED IN THE PLAN, BUT ONLY PURSUANT TO CHAPTERS 20 AND
22 21.

23 SEC. 597. THE COMMISSION SHALL AT LEAST EVERY 5 YEARS
24 REVIEW AND REEVALUATE THE PLAN AND ITS IMPLEMENTATION. IN DOING,
25 THE COMMISSION SHALL SEEK THE INPUT AND RECOMMENDATIONS OF THE
26 ADVISORY BOARD. THE COMMISSION MAY RECEIVE A PETITION TO
27 SUPPLEMENT, AMEND, OR EXPAND THE PLAN. IF SUCH A PETITION IS

1 RECEIVED, THE COMMISSION SHALL PROCEED CONSISTENT WITH THIS
2 CHAPTER FROM THE POINT IN THE PROCEEDINGS IMMEDIATELY FOLLOWING
3 THE ORDER DESIGNATING THE DISTRICT.

4 SEC. 598. PUBLIC CORPORATIONS MAY ADVANCE FUNDS FOR THE
5 PAYMENT OF ANY PART OF THE COSTS INCURRED BY A DISTRICT AND SHALL
6 BE REPAID BY THE DISTRICT WHEN FUNDS ARE AVAILABLE. BEFORE THE
7 ISSUANCE OF BONDS, THE COMMISSION MAY ASSESS PRELIMINARY COSTS IN
8 AN EQUITABLE MANNER AGAINST PUBLIC CORPORATIONS IN THE DISTRICT
9 AND COLLECT THE ASSESSED COSTS. THE COSTS OF ALL OF THE FOLLOW-
10 ING ARE SUBJECT TO ASSESSMENT:

11 (A) ESTABLISHING THE DISTRICT.

12 (B) DEVELOPMENT OF THE SCOPE OF THE WATERSHED STUDY.

13 (C) ADMINISTRATIVE STAFF, OFFICE, AND OTHER EXPENSES OF THE
14 COMMISSION AND ADVISORY BOARD.

15 (D) IMPLEMENTATION OF THE PLAN.

16 (E) ACQUIRING INTEREST IN LANDS.

17 (F) ENGINEERING, LEGAL, CONSULTANT, AND OTHER PROFESSIONAL
18 FEES.

19 (G) SERVICE AND PUBLICATION OF ALL NOTICES.

20 (H) INTEREST ON ALL BONDS OR NOTES FOR THE FIRST YEAR THEY
21 ARE TO BE ISSUED AND ALL PAYMENTS AND INTEREST ON BONDS OR NOTES
22 ISSUED BEFORE THE ASSESSMENT.

23 (I) OTHER ITEMS IDENTIFIED AND ALLOCATED IN THE ANNUAL
24 BUDGET.

25 (J) POSSIBLE CONTINGENT EXPENSES, IN AN AMOUNT NOT EXCEEDING
26 10% OF THE OTHER COSTS WHICH ARE TO BE ASSESSED AGAINST PUBLIC
27 CORPORATIONS.

1 Sec. 601. ~~If any commissioner is interested directly or~~
2 ~~indirectly in the profits of any contract, job, work or services,~~
3 ~~other than official services, to be performed for the drainage~~
4 ~~district, he is deemed to be guilty of a misdemeanor, and the~~
5 ~~office of such commissioner shall be deemed vacant and the com-~~
6 ~~missioner so convicted shall be incapable of again holding the~~
7 ~~office of county drain commissioner.~~ ANY ASSESSMENTS MADE UNDER
8 THIS CHAPTER DO NOT CONSTITUTE INDEBTEDNESS OF A PUBLIC CORPORA-
9 TION FOR PURPOSES OF ANY CHARTER, STATUTORY, OR CONSTITUTIONAL
10 DEBT LIMITATION. TAXES LEVIED BY A PUBLIC CORPORATION FOR THE
11 PAYMENT OF SUCH ASSESSMENTS ARE NOT WITHIN A STATUTORY OR CHARTER
12 TAX LIMITATION.

13 Sec. 602. ~~If any person shall wilfully or maliciously~~
14 ~~remove any section or grade stake set along the line of any~~
15 ~~drain, or obstruct or injure any drain, he shall be deemed guilty~~
16 ~~of a misdemeanor, and upon conviction thereof shall be punished~~
17 ~~by a fine not exceeding \$100.00 and the costs of prosecution, or~~
18 ~~in default of the payment thereof, by imprisonment in the county~~
19 ~~jail not exceeding 90 days.~~ THE COMMISSION MAY ACQUIRE THE NEC-
20 ESSARY LANDS OR RIGHTS-OF-WAY AS IDENTIFIED IN THE PLAN. SUCH
21 ACQUISITION SHALL BE BY NEGOTIATED PURCHASE OR RELEASE, OR BY
22 GIFT OR GRANT.

23 SEC. 603. (1) THE COMMISSION MAY ENTER A CONTRACT WITH ANY
24 FEDERAL AGENCY UNDER WHICH THE FEDERAL AGENCY WILL PAY THE WHOLE
25 OR ANY PART OF THE COST OF THE PLAN OR WILL PERFORM THE WHOLE OR
26 ANY PART OF THE WORK CONNECTED WITH THE PLAN.

1 (2) THE COMMISSION MAY ALSO CONTRACT WITH ANY PRIVATE OR
2 PUBLIC CORPORATION IN RESPECT TO ANY MATTER CONNECTED WITH THE
3 PLAN. SUCH A CONTRACT WITH A PUBLIC CORPORATION MAY PROVIDE THAT
4 ANY PAYMENTS MADE OR WORK DONE BY THE PUBLIC CORPORATION SHALL BE
5 IN LIEU OF ALL OR PART OF THE ASSESSMENTS FOR THE COST OF THE
6 PLAN.

7 SEC. 604. AFTER THE CONFIRMATION OF THE APPORTIONMENT, THE
8 COMMISSION SHALL DIRECT THE SECRETARY OF THE COMMISSION TO PRE-
9 PARE A SPECIAL ASSESSMENT ROLL ASSESSING THE ESTIMATED COST OF
10 THE PLAN, OR IF THE ACTUAL COST HAS BEEN ASCERTAINED, THE ACTUAL
11 COST AGAINST THE PUBLIC CORPORATIONS IN ACCORDANCE WITH THE CON-
12 FIRMED APPORTIONMENTS. THE COMMISSION MAY PROVIDE FOR THE PAY-
13 MENT OF THE SPECIAL ASSESSMENTS IN ANY NUMBER OF APPROXIMATELY
14 EQUAL ANNUAL INSTALLMENTS, NOT EXCEEDING 20. INSTALLMENTS OF
15 ASSESSMENTS AGAINST THE STATE AND AGAINST PUBLIC CORPORATIONS
16 WHICH COLLECT THEIR TAXES BEGINNING APPROXIMATELY DECEMBER 1 IN
17 EACH YEAR ARE DUE BY APRIL 1 OF EACH YEAR. INSTALLMENTS OF
18 ASSESSMENTS AGAINST PUBLIC CORPORATIONS ARE DUE BY THE DATE OR
19 DATES FIXED BY THE COMMISSION DEPENDING ON THE TIME OR TIMES FOR
20 THE COLLECTION OF TAXES BY THE PUBLIC CORPORATIONS. THE COMMIS-
21 SION SHALL FIX THE RATE OF INTEREST TO BE PAID UPON UNPAID
22 INSTALLMENTS AT NOT MORE THAN 6%. INTEREST IS DUE ANNUALLY ON
23 THE DAY AND MONTH UPON WHICH THE ANNUAL INSTALLMENTS ARE DUE.
24 ANY INSTALLMENT OR INSTALLMENTS MAY BE PAID IN ADVANCE OF THE DUE
25 DATE WITH INTEREST COMPUTED TO THE NEXT INSTALLMENT DUE DATE.
26 THE COMMISSION SHALL FIX THE TIME OR TIMES FOR THE PAYMENT OF THE

1 FIRST INSTALLMENT SO THAT EACH PUBLIC CORPORATION MAY MAKE A TAX
2 LEVY FOR THE PAYMENT OF THE INSTALLMENT.

3 SEC. 605. (1) THE SPECIAL ASSESSMENT ROLL SHALL CONTAIN THE
4 NAME OF EACH PUBLIC CORPORATION ASSESSED; THE TOTAL ESTIMATED
5 COST OF THE PLAN, OR THE ACTUAL COST IF THE ACTUAL COST HAS BEEN
6 ASCERTAINED AT THE TIME OF THE PREPARATION OF THE ROLL; THE PER-
7 CENTAGE APPORTIONED TO EACH PUBLIC CORPORATION; THE AMOUNT OF THE
8 ASSESSMENT FOR EACH PUBLIC CORPORATION BASED UPON THE PERCENTAGE
9 OF APPORTIONMENT; AND THE AMOUNT OF EACH INSTALLMENT IF THE
10 ASSESSMENT IS DIVIDED INTO ANNUAL INSTALLMENTS. AFTER THE SECRE-
11 TARY PREPARES THE SPECIAL ASSESSMENT ROLL, THE SECRETARY SHALL
12 PRESENT THE SPECIAL ASSESSMENT ROLL TO THE COMMISSION FOR
13 APPROVAL. IF THE COMMISSION APPROVES THE ROLL, A STATEMENT TO
14 THAT EFFECT SETTING FORTH THE DATE OF APPROVAL SHALL BE SIGNED BY
15 THE CHAIRPERSON AND SECRETARY OF THE COMMISSION AND AFFIXED TO
16 THE ROLL.

17 (2) THE CHAIRPERSON OF THE COMMISSION SHALL THEN CERTIFY TO
18 EACH PUBLIC CORPORATION ASSESSED THE AMOUNT OF THE TOTAL ASSESS-
19 MENT AGAINST IT, THE AMOUNT OF THE VARIOUS INSTALLMENTS IF THE
20 ASSESSMENT IS DIVIDED INTO INSTALLMENTS, THE DUE DATE OF EACH
21 INSTALLMENT, AND THE RATE OF INTEREST UPON UNPAID INSTALLMENTS.
22 THE TREASURER SHALL ALSO EACH YEAR, AT LEAST 30 DAYS BEFORE THE
23 TIME OF THE LEVYING OF TAXES BY EACH PUBLIC CORPORATION, NOTIFY
24 THE PUBLIC CORPORATION OF THE AMOUNT OF THE INSTALLMENT AND
25 INTEREST NEXT BECOMING DUE. HOWEVER, THE FAILURE TO SO NOTIFY
26 ANY PUBLIC CORPORATION DOES NOT EXCUSE IT FROM MAKING PAYMENT OF
27 THE INSTALLMENT AND INTEREST.

1 (3) ON OR BEFORE THE DUE DATE OF AN INSTALLMENT, EACH PUBLIC
2 CORPORATION SHALL PAY TO ITS COUNTY TREASURER THE AMOUNT OF THE
3 INSTALLMENT, TOGETHER WITH INTEREST ACCRUING TO THE DUE DATE.
4 WITHIN 15 DAYS AFTER RECEIVING A PAYMENT, THE COUNTY TREASURER
5 SHALL FORWARD THE AMOUNT SO PAID TO THE TREASURER OF THE
6 COMMISSION. IF A PUBLIC CORPORATION FAILS OR NEGLECTS TO PAY THE
7 COUNTY TREASURER THE AMOUNT OF THE INSTALLMENT AND INTEREST, THE
8 COUNTY TREASURER SHALL ADVANCE THE AMOUNT TO THE TREASURER OF THE
9 COMMISSION FROM COUNTY FUNDS AND DEDUCT THE AMOUNT FROM ANY
10 FUNDS, OTHER THAN THOSE PLEDGED FOR THE PAYMENT OF DEBTS, OF THE
11 PUBLIC CORPORATION. IF A COUNTY ADVANCES FUNDS FOR A PUBLIC COR-
12 PORATION UNDER THIS SECTION BUT IS NOT REIMBURSED, THE COUNTY
13 BOARD OF COMMISSIONERS MAY ORDER THE PUBLIC CORPORATION AND ITS
14 OFFICERS TO LEVY UPON ITS NEXT TAX ROLL AN AMOUNT SUFFICIENT TO
15 REIMBURSE THE COUNTY ON OR BEFORE THE DATE WHEN THE PUBLIC
16 CORPORATION'S TAXES BECOME DELINQUENT. THE PUBLIC CORPORATION
17 AND ITS TAX LEVYING AND COLLECTING OFFICIALS SHALL LEVY AND COL-
18 LECT SUCH TAXES AND REIMBURSE THE COUNTY. NOTHING IN THIS SEC-
19 TION PREVENTS THE COUNTY FROM OBTAINING REIMBURSEMENT FROM ANY
20 OTHER LEGAL METHOD. THE TAX LEVYING OFFICIALS OF EACH OF THE
21 PUBLIC CORPORATIONS ASSESSED SHALL LEVY SUFFICIENT TAXES TO PAY
22 ASSESSMENT INSTALLMENTS AND INTEREST AS THEY BECOME DUE UNLESS
23 SUFFICIENT MONEY HAS BEEN SET ASIDE.

24 (4) IF A SPECIAL ASSESSMENT ROLL IS PREPARED UPON THE BASIS
25 OF THE ESTIMATED COST OF THE PLAN, THEN AFTER THE ACTUAL COST HAS
26 BEEN ASCERTAINED AND DETERMINED BY THE COMMISSION, THE SPECIAL
27 ASSESSMENTS AND THE INSTALLMENTS SHALL BE CORRECTED BY ADDING ANY

1 DEFICIENCY OR DEDUCTING ANY EXCESS, OR REFUNDING THE AMOUNT OF
2 ANY PREPAID ASSESSMENTS IN EXCESS OF THE ASSESSMENT BASED UPON
3 ACTUAL COSTS. THE COMMISSION MAY ORDER SUCH CORRECTIONS TO BE
4 MADE UPON THE ORIGINAL ROLL OR MAY ORDER THAT A NEW CORRECTED
5 ROLL BE PREPARED AND SUBMITTED FOR APPROVAL BY THE COMMISSION.

6 SEC. 606. (1) THE COMMISSION MAY ISSUE BONDS OR NOTES FOR
7 AND ON BEHALF OF THE WATERSHED MANAGEMENT DISTRICT, IN ANTICIPA-
8 TION OF THE COLLECTION OF ANY OR ALL INSTALLMENTS OF ASSESSMENTS,
9 AND PLEDGE THE FULL FAITH AND CREDIT OF THE DISTRICT FOR THE
10 PROMPT PAYMENT OF THE PRINCIPAL AND INTEREST.

11 (2) A DISTRICT MAY BORROW MONEY OR ACCEPT THE ADVANCE OF
12 WORK, MATERIAL, OR MONEY FROM A PUBLIC OR PRIVATE CORPORATION,
13 PARTNERSHIP, ASSOCIATION, INDIVIDUAL, OR ANY AGENCY OF THE FED-
14 ERAL GOVERNMENT FOR PAYMENT FOR THE PREPARATION OR IMPLEMENTATION
15 OF THE PLAN, TO BE REIMBURSED BY THE DISTRICT, WITH OR WITHOUT
16 INTEREST AS MAY BE AGREED, WHEN FUNDS ARE AVAILABLE. THE OBLIGA-
17 TION OF THE DISTRICT TO MAKE THE REPAYMENT OR REIMBURSEMENT MAY
18 BE EVIDENCED BY A CONTRACT OR NOTE. THE CONTRACT OR NOTE MAY
19 PLEDGE THE FULL FAITH AND CREDIT OF THE DISTRICT AND MAY BE MADE
20 PAYABLE OUT OF THE ASSESSMENTS MADE AGAINST PUBLIC CORPORATIONS
21 OR OUT OF ANY OTHER AVAILABLE FUNDS, AND THE CONTRACT OR NOTE
22 SHALL NOT BE CONSIDERED TO BE AN OBLIGATION WITHIN THE MEANING OF
23 THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 131.1 TO 139.3. THE
24 TOTAL AMOUNT OF PRINCIPAL OWED FOR OBLIGATIONS UNDER THIS SECTION
25 SHALL NOT EXCEED \$600,000.00.

1 (3) THIS SECTION DOES NOT APPLY TO ADVANCES OR LOANS MADE BY
2 ANY PUBLIC CORPORATION, THE FEDERAL GOVERNMENT, OR ANY AGENCY OF
3 THE FEDERAL GOVERNMENT.

4 (4) A COUNTY BOARD OF COMMISSIONERS BY A MAJORITY VOTE OF
5 2/3 OF ITS MEMBERS MAY PLEDGE THE FULL FAITH AND CREDIT OF A
6 COUNTY FOR THE PAYMENT OF A NOTE OF THE DISTRICT.

7 SEC. 607. IF THE ORIGINAL ASSESSMENT IS INSUFFICIENT TO PAY
8 THE PRINCIPAL AND INTEREST ON BONDS AND NOTES ISSUED IN ANTICIPA-
9 TION OF THE COLLECTION OF THE ASSESSMENT, THEN THE COMMISSION
10 SHALL MAKE SUCH ADDITIONAL ASSESSMENTS, AS NECESSARY. THE ADDI-
11 TIONAL ASSESSMENTS SHALL BE APPORTIONED TO THE SAME PUBLIC CORPO-
12 RATIONS IN THE SAME RELATIVE AMOUNTS AS THE ORIGINAL
13 ASSESSMENTS.

14 CHAPTER 23

15 SANCTIONS

16
17 SEC. 615. IF A COMMISSIONER IS INTERESTED DIRECTLY OR INDI-
18 RECTLY IN THE PROFITS OF A CONTRACT, JOB, WORK, OR SERVICES,
19 OTHER THAN OFFICIAL SERVICES, TO BE PERFORMED FOR A DRAINAGE DIS-
20 TRICT, HE OR SHE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION,
21 HIS OR HER OFFICE IS VACATED AND HE OR SHE IS INELIGIBLE TO AGAIN
22 HOLD THE OFFICE OF COMMISSIONER.

23 SEC. 616. IF ANY PERSON WILLFULLY OR MALICIOUSLY REMOVES
24 ANY SECTION OR GRADE STAKE SET ALONG THE LINE OF ANY DRAIN, OR
25 OBSTRUCTS OR DAMAGES A DRAIN, HE OR SHE IS GUILTY OF A MISDEMEAN-
26 OR, PUNISHABLE BY A FINE OF NOT MORE THAN \$100.00 AND THE COSTS
27 OF PROSECUTION, OR IN DEFAULT OF THE PAYMENT OF THE FINE, BY
28 IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

1 Enacting section 1. Sections 551 to 583 of the drain code
2 of 1956, 1956 PA 40, MCL 280.551 to 280.583, are repealed.