



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

APPOINTMENT OF DRAIN COMMISSIONER

House Bills 4685 and 4686
Sponsor: Rep. Thomas George
Committee: Agriculture and Resource
Management

Complete to 7-13-01

A SUMMARY OF HOUSE BILL 4685 AND 4686 AS INTRODUCED 5-1-01

The Drain Code of 1956 establishes the position, and sets forth the duties, of the county drain commissioner. The code currently specifies that the office of drain commissioner is elective. The Michigan Election Law currently provides for the election of the drain commissioner and other elected county officials at the 2000 general November election and every fourth year thereafter. The drain commissioner is elected to a four-year term, which begins on the January 1 following the election.

House Bill 4686 would amend the Drain Code (MCL 280.4 et al.) to permit the county board of commissioners to adopt a resolution directing the board to appoint the drain commissioner for the county. If the board of commissioners adopted such a resolution, the office of county drain commissioner would become appointive beginning with the next term of office, though the board could later adopt a resolution making the office elective once again, as provided for in the current law. Either type of resolution would have to be adopted no later than the sixth Tuesday prior to the deadline for filing nominating petitions for the office of county drain commissioner. (The deadline for filing petitions is 4:00 p.m. of the twelfth Tuesday preceding August primary election, which current law requires to be held on the Tuesday immediately following the first Monday in August 2000 and every fourth year thereafter.) Whether the drain commissioner was elected or appointed, the term of office would begin on the January 1 following the November general election and would continue for four years, until the election or appointment of a successor. The bill would further specify that the drain commissioner had to be a registered elector of the county in which he or she served as drain commissioner.

Public Act 185 of 1957 and the County Improvement Act of 1937 allow a county to establish a department of public works or a public improvement agency with the drain commissioner designated as the county agent. If the county does so, the drain code permits that county's board of commissioners to resolve, by 2/3 vote of the members elected and serving, to combine the powers, duties, and functions set forth in all three acts into one county department, headed by a public works commissioner. Further, the Drain Code states that three years after the county established the office of public works commissioner, the county's board of commissioners may abolish the office. Currently the code says that the board must act to "abolish the office of public works commissioner not less than six months before the next primary election for *that* office." The bill would specify instead that the board could abolish the office of public works commissioner not less than six months before "the date of the next primary election for drain commissioners" as specified in the act.

House Bills 4685 and 4686 (7-13-01)

House Bill 4685 would amend the Michigan Election Law (MCL 168.200) to clarify that in a county in which the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commission or surveyor was appointive, the person appointed to the office would not be elected to the office.

The bills are tie-barred so that neither bill would take effect unless the other did.

Analyst: J. Caver

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.