

# SENATE BILL No. 533

June 12, 2001, Introduced by Senator SHUGARS and referred to the Committee on Farming, Agribusiness and Food Systems.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 21. (1) ~~At~~ SUBJECT TO THIS SECTION, AT the general  
2 election to be held in November ~~—, 1976—~~ 2004, and each fourth  
3 year after November ~~—, 1976—~~ 2004, a county drain commissioner  
4 shall be elected in each county having a drain commissioner by  
5 the qualified electors of the county. The term of office of  
6 ~~the~~ A commissioner shall begin on the January 1 following the  
7 drain commissioner's election and continue for a period of 4  
8 years and until his or her successor is elected and qualified,  
9 whichever occurs earlier.

10       (2) As determined by the county board of commissioners, the  
11 county drain commissioner shall be covered by a blanket bond or,

1 before entering upon the duties of office, shall execute and file  
2 with the county clerk a bond to the people of the state in the  
3 penal sum of \$5,000.00, issued by a surety company licensed to do  
4 business in this state, conditioned upon the faithful discharge  
5 of the duties of the office. The county board of commissioners  
6 may fix the individual bond to be required of the commissioner at  
7 a different amount if, in its judgment, that is desirable.

8 (3) The county board of commissioners of a county, ~~having a~~  
9 ~~population of less than 12,000,~~ by A resolution ~~of a 2/3~~  
10 APPROVED BY A MAJORITY vote of the members ~~elect~~ ELECTED, may  
11 abolish the office of county drain commissioner and transfer the  
12 powers and duties of the office to the board of county road  
13 commissioners.

14 (4) If a county establishes a department of public works  
15 pursuant to ~~Act No. 185 of the Public Acts of 1957, as amended,~~  
16 ~~being sections 123.731 to 123.786 of the Michigan Compiled Laws~~  
17 1957 PA 185, MCL 123.731 TO 123.786, or a public improvement  
18 agency with the drain commissioner designated as the county agent  
19 pursuant to the county public improvement act of 1939, ~~Act~~  
20 ~~No. 342 of the Public Acts of 1939, as amended, being sections~~  
21 ~~46.171 to 46.188 of the Michigan Compiled Laws~~ 1939 PA 342,  
22 MCL 46.171 TO 46.188, the county board of commissioners, by A  
23 resolution ~~of~~ APPROVED BY a 2/3 vote of the members elected and  
24 serving, may combine the powers, duties, and functions set forth  
25 in ~~Act No. 185 of the Public Acts of 1957, as amended, Act~~  
26 ~~No. 342 of the Public Acts of 1939, as amended~~ 1957 PA 185,  
27 MCL 123.731 TO 123.786, THE COUNTY PUBLIC IMPROVEMENT ACT OF

1 1939, 1939 PA 342, MCL 46.171 TO 46.188, and this act into 1  
2 county department headed by a public works commissioner. The  
3 public works commissioner shall be elected in the same manner and  
4 for the same term as a drain commissioner. ~~and shall carry out~~  
5 ~~the powers and duties of a drain commissioner.~~

6 (5) A resolution provided for in subsection (4) may not be  
7 adopted unless the county board of commissioners has first held  
8 at least 1 generally publicized public hearing on the  
9 resolution.

10 (6) Not less than 3 years after a county establishes the  
11 office of public works commissioner pursuant to subsections (4)  
12 and (5), or a public improvement agency, the county board of com-  
13 missioners, by A resolution approved by a 2/3 vote of the members  
14 elected and serving, may abolish the office of public works com-  
15 missioner not less than 6 months before the next primary election  
16 for that office. The office of public works commissioner shall  
17 be abolished in the county effective 180 days after a resolution  
18 is adopted pursuant to this subsection. The office shall then be  
19 referred to as the drain commissioner and the person in office at  
20 the time a resolution of abolishment is passed shall fulfill the  
21 remainder of the term of office until the next general election.

22 (7) ~~A~~ IN A county that is organized under ~~Act No. 293 of~~  
23 ~~the Public Acts of 1966, being sections 45.501 to 45.521 of the~~  
24 ~~Michigan Compiled Laws~~ 1966 PA 293, MCL 45.501 TO 45.521, whose  
25 charter prescribes an elected county executive, and which county  
26 has a population of more than 2,000,000 at the time the charter

1 is adopted, shall be governed by section 21a in place of this  
2 section.