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BILL ANALYSIS

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House Bill 5281 (as passed by the House)
Sponsor: Representative Edward Gaffney, Jr.
House Committee: Government Operations
Senate Committee: Local, Urban and State Affairs

Date Completed: 12-8-05

CONTENT

The bill would amend the Drain Code to provide that, if an intercounty drain project involved a county with a population over 1 million (except Oakland County), the drainage board would have to include an individual appointed by each participating county's drain commissioner. (The requirement would apply to an intercounty drain project involving Wayne County.)

Chapter 21 of the Drain Code permits a public corporation (such as a county, city, village, or township) to petition the Michigan Department of Agriculture (MDA) for the establishment of an intercounty drain when necessary for the public health. The Code creates a drainage board for the project and requires the board to consist of the MDA Director and the drain commissioner of each county involved in the project.

Under the bill, if an intercounty drain project involved a county with a population of more than 1 million, the drainage board would have to consist of the MDA Director, the drain commissioner of each county involved in the project, and an individual appointed by each drain commissioner.

The appointee would have to be an elected official, or his or her designee, of a city, village, or township subject to assessment for the project. The appointee would have to serve for a two-year term and could not be appointed for successive terms unless the city, village, or township that he or she represented was the only municipality in the county subject to assessment. After the two-year term was completed, the drain commissioner would be required, if possible, to appoint an elected official, or his or her designee, from a different city, village, or township subject to assessment for the project.

If an appointee failed or refused to serve or were disqualified, the drain commissioner would have to appoint a successor to complete the remainder of his or her term.

The bill's provisions would not apply to a project that involved a county with a population of more than 1 million that was organized pursuant to Public Act 139 of 1973 (the optional unified form of county government). (This would exempt Oakland County.)

MCL 280.514

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.