

# HOUSE BILL No. 5281

October 11, 2005, Introduced by Reps. Gaffney, Hune, Farrah, McConico, Brandenburg, Amos, LaJoy, Drolet, Marleau and Lemmons, III and referred to the Committee on Government Operations.

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending section 514 (MCL 280.514).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 514. (1) ~~There is hereby~~ **A DRAINAGE BOARD IS** created  
2 for each project petitioned for under ~~the provisions of~~ this  
3 chapter. ~~—a~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE**  
4 drainage board ~~to~~ **SHALL** consist of the director of **THE DEPARTMENT**  
5 **OF** agriculture and the drain commissioner of each county involved  
6 in the project.

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

House Bill No. 5281 as amended November 3, 2005

1           (3) IF A PROJECT INVOLVES A COUNTY WITH A POPULATION OF MORE  
2 THAN 1,000,000, THE DRAINAGE BOARD SHALL CONSIST OF THE DIRECTOR OF  
3 THE DEPARTMENT OF AGRICULTURE, THE DRAIN COMMISSIONER OF EACH  
4 COUNTY INVOLVED IN THE PROJECT, AND AN INDIVIDUAL APPOINTED BY EACH  
5 DRAIN COMMISSIONER. THE APPOINTEE SHALL BE AN ELECTED OFFICIAL, OR  
6 HIS OR HER DESIGNEE, OF A CITY, VILLAGE, OR TOWNSHIP SUBJECT TO  
7 ASSESSMENT FOR THE PROJECT. THE APPOINTEE SHALL SERVE FOR A 2-YEAR  
8 TERM AND SHALL NOT BE APPOINTED FOR SUCCESSIVE TERMS UNLESS THE  
9 CITY, VILLAGE, OR TOWNSHIP THAT HE OR SHE REPRESENTS IS THE ONLY  
10 MUNICIPALITY IN THE COUNTY SUBJECT TO ASSESSMENT. FOLLOWING THE  
11 COMPLETION OF THE 2-YEAR TERM, THE DRAIN COMMISSIONER SHALL, IF  
12 POSSIBLE, APPOINT AN ELECTED OFFICIAL, OR HIS OR HER DESIGNEE, FROM  
13 A DIFFERENT CITY, VILLAGE, OR TOWNSHIP SUBJECT TO ASSESSMENT FOR  
14 THE PROJECT. IF AN APPOINTEE FAILS OR REFUSES TO SERVE OR IS  
15 DISQUALIFIED, THE DRAIN COMMISSIONER SHALL APPOINT A SUCCESSOR TO  
16 COMPLETE THE REMAINDER OF HIS OR HER TERM.

[(4) SUBSECTION (3) DOES NOT APPLY TO A PROJECT THAT INVOLVES A  
COUNTY WITH A POPULATION OF MORE THAN 1,000,000 WHICH WAS ORGANIZED  
PURSUANT TO 1973 PA 139, MCL 45.551 TO 45.573.]