

# 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  
as amended January 18, 2006

1           (3) IF A PROJECT INVOLVES A COUNTY WITH <<AN APPOINTED RATHER THAN  
2           AN ELECTED DRAIN COMMISSIONER AND>> A POPULATION OF MORE  
3           THAN 1,000,000, THE DRAINAGE BOARD SHALL CONSIST OF THE DIRECTOR OF  
4           THE DEPARTMENT OF AGRICULTURE, THE DRAIN COMMISSIONER OF EACH  
5           COUNTY INVOLVED IN THE PROJECT, AND AN INDIVIDUAL APPOINTED BY EACH  
6           DRAIN COMMISSIONER <<OF EACH COUNTY INVOLVED IN THE PROJECT, INCLUDING A  
7           COUNTY WITH AN ELECTED DRAIN COMMISSIONER>>. THE APPOINTEE SHALL BE AN  
8           ELECTED OFFICIAL, OR  
9           HIS OR HER DESIGNEE, OF A CITY, VILLAGE, OR TOWNSHIP SUBJECT TO  
10          ASSESSMENT FOR THE PROJECT. THE APPOINTEE SHALL SERVE FOR A 2-YEAR  
11          TERM AND SHALL NOT BE APPOINTED FOR SUCCESSIVE TERMS UNLESS THE  
12          CITY, VILLAGE, OR TOWNSHIP THAT HE OR SHE REPRESENTS IS THE ONLY  
13          MUNICIPALITY IN THE COUNTY SUBJECT TO ASSESSMENT. FOLLOWING THE  
14          COMPLETION OF THE 2-YEAR TERM, THE DRAIN COMMISSIONER SHALL, IF  
15          POSSIBLE, APPOINT AN ELECTED OFFICIAL, OR HIS OR HER DESIGNEE, FROM  
16          A DIFFERENT CITY, VILLAGE, OR TOWNSHIP SUBJECT TO ASSESSMENT FOR  
17          THE PROJECT. IF AN APPOINTEE FAILS OR REFUSES TO SERVE OR IS  
18          DISQUALIFIED, THE DRAIN COMMISSIONER SHALL APPOINT A SUCCESSOR TO  
19          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.]