

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.

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.