



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1117 (as enacted)
Sponsor: Senator Mike Kowall
Senate Committee: Government Operations
House Committee: Natural Resources

PUBLIC ACT 521 of 2016

Date Completed: 1-11-17

RATIONALE

Michigan law authorizes counties to be organized in several ways, under different statutes. The statutes include Public Act 293 of 1966, which provides for charter counties. Two of Michigan's 83 counties, Macomb and Wayne, are organized under the charter county law and both have elected county executives. The way in which a drainage board is created, however, differs between the counties. Chapter 20 of the Drain Code governs drain projects that are located within a single county, that are necessary for the public health, and whose cost will be assessed against public corporations (such as cities and villages). When two or more public corporations that will be subject to a special assessment file a petition with the county drain commissioner to locate, establish, and construct a county drain, a drainage board must be created. Typically, a drainage board consists of the drain commissioner (who also might be called a public works commissioner or water resources commissioner); the chairperson of the county board of commissioners; and the chairperson of the finance committee of the county board of commissioners. In a charter county that has a population of more than 2.0 million, however, a drainage board consists of a person appointed by the county executive with the advice and consent of the county board of commissioners; the person designated by the charter to carry out the administrative duties of the drain commissioner or that person's designee; and the county commissioner whose district will be assessed for the greatest portion of the cost of the project, or that person's designee. Because Wayne County has a population of more than 2.0 million, and Macomb County does not, this drainage board composition applies only to Wayne County. Some people believe that, in order to improve transparency and accountability, the county executive of Macomb County also should have the authority to appoint a person to that county's drainage board, subject to the approval of the county board of commissioners.

CONTENT

The bill amends provisions of Chapter 20 of the Drain Code that prescribe the membership of a drainage board for a charter county with an elected county executive, to remove the requirement that such a county have a population of more than 2.0 million.

The bill was enacted on January 9, 2017, and will take effect 90 days after that date.

MCL 280.464

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The work of a county drainage board is vital to the health and safety of the county's residents through the protection of land and surface water. Drainage boards are responsible for many millions of dollars' worth of infrastructure that serves individuals, businesses, and governmental

units. Drain projects may involve storm water management, flood control, prevention of soil erosion, regulation of sanitary systems, and other types of activities that affect the environment. Considering the breadth of their responsibilities and the potential ramifications of their decisions, it is important that drainage boards operate with transparency and accountability.

In 2008, the voters in Macomb County chose to elect a charter commission for the purpose of developing a county charter and submitting it to the electorate. A charter then was drafted, approved by then-Governor Granholm, and approved by the Macomb County voters in the 2009 general election. Since then, the county has had a county executive who is elected by the voters. Unlike the Wayne County executive, however, the county executive in Macomb County has not had the authority to appoint a member to a county drainage board.

Authorizing the Macomb County executive to appoint a member will enable the executive to oversee the board and its activities. Arguably, when the people of Macomb County voted to approve a charter and elect a county executive six years ago, they had the expectation that this official would have broad oversight of all county functions and the expenditure of funds, including those related to drain projects. A member appointed by the county executive will be accountable directly to that official, who himself or herself is accountable to the residents and taxpayers of the county: the parties who ultimately pay the costs of drain projects and benefit or suffer from the quality of water in their county.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Elizabeth Pratt

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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.