

SENATE BILL No. 687

January 13, 2016, Introduced by Senators ROCCA and BRANDENBURG and referred to the Committee on Local Government.

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 514, 517, and 521 (MCL 280.514, 280.517, and 280.521), section 514 as amended by 2006 PA 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 514. (1) A drainage board is created for each project
2 petitioned for under ~~this chapter.~~ **SECTION 513.** Except as otherwise
3 provided in subsection ~~(3), (4),~~ the drainage board ~~shall consist~~
4 **CONSISTS** of the director of the department of agriculture **AND RURAL**
5 **DEVELOPMENT** and the drain commissioner of each county involved in
6 the project.

7 (2) The director of the department of agriculture ~~shall be~~ **AND**
8 **RURAL DEVELOPMENT IS** the chairperson of the drainage board. ~~The~~
9 ~~drainage board shall select 1 of its members as secretary.~~

1 (3) A MEMBER OF THE DRAINAGE BOARD SHALL SERVE AS SECRETARY.
2 THE SECRETARY IS RESPONSIBLE FOR PERFORMING ALL ADMINISTRATIVE
3 DUTIES OF THE DRAINAGE BOARD. SUBJECT TO SECTION 521, THE SECRETARY
4 SHALL BE SELECTED BY THE DRAINAGE BOARD.

5 (4) ~~(3)~~ ~~IF~~ EXCEPT AS PROVIDED IN SUBSECTION (5), IF a project
6 involves a county with an appointed rather than an elected drain
7 commissioner and a population of more than 1,000,000, the drainage
8 board shall consist of the director of the department of
9 agriculture **AND RURAL DEVELOPMENT**, the drain commissioner of each
10 county involved in the project, and an individual appointed by each
11 drain commissioner of each county involved in the project,
12 including a county with an elected drain commissioner. The
13 appointee shall be an elected official, or his or her designee, of
14 a city, village, or township subject to assessment for the project.
15 The appointee shall serve for a 2-year term and shall not be
16 appointed for successive terms unless the ~~city, village, or~~
17 ~~township~~ **MUNICIPALITY** that he or she represents is the only
18 municipality in the county subject to assessment. Following the
19 completion of the 2-year term, the drain commissioner shall, if
20 possible, appoint an elected official, or his or her designee, from
21 a different ~~city, village, or township~~ **MUNICIPALITY** subject to
22 assessment for the project. If an appointee fails or refuses to
23 serve or is disqualified, the drain commissioner shall appoint a
24 successor to complete the remainder of his or her term.

25 (5) ~~(4)~~ Subsection ~~(3)~~ **(4)** does not apply to a project that
26 involves a county with a population of more than 1,000,000 ~~which~~
27 ~~was~~ **THAT IS** organized pursuant to 1973 PA 139, MCL 45.551 to

1 45.573.

2 Sec. 517. (1) Upon receipt of a petition ~~as hereinbefore~~
3 ~~provided,~~ **UNDER SECTION 513**, the director of agriculture **AND RURAL**
4 **DEVELOPMENT** shall make a preliminary finding of the counties which,
5 in his **OR HER** opinion, include public corporations that should be
6 assessed under ~~the provisions of this chapter~~ for the cost of the
7 proposed drain.

8 (2) Upon the making of ~~such~~ **THE** preliminary finding **UNDER**
9 **SUBSECTION (1)**, the director of agriculture **AND RURAL DEVELOPMENT**
10 shall, ~~give~~ **BY REGISTERED MAIL, SEND A COPY OF THE PRELIMINARY**
11 **FINDING AND** notice of the time and place of the first meeting of
12 the drainage board and of the first meeting of the augmented
13 drainage board ~~, by sending a copy of such notice and of such~~
14 ~~preliminary finding by registered mail to each member thereof, and~~
15 to each ~~highway~~ agency having jurisdiction over any highway, road,
16 ~~and OR~~ street in said ~~THE~~ district. ~~, which THE~~ notice and finding
17 shall be mailed not less than 10 days prior to the time of the
18 meeting. ~~In the event there be no~~ **IF A COUNTY DOES NOT HAVE A** board
19 of county auditors or finance committee, ~~in any county involved,~~
20 ~~then~~ notice to the ~~chairman~~ **CHAIRPERSON** of the **COUNTY** board of
21 ~~supervisors of such~~ **COMMISSIONERS OF THE** county shall be deemed
22 **CONSIDERED** to be notice to the member of the **COUNTY** board of
23 ~~supervisors~~ **COMMISSIONERS** to be selected by ~~him~~ **THE CHAIRPERSON AS**
24 **A MEMBER OF THE AUGMENTED DRAINAGE BOARD UNDER SECTION 515.**

25 (3) The drainage board shall **FIRST** meet ~~first,~~ for the purpose
26 of selecting a secretary. Upon the selection of a secretary, the
27 director of agriculture **AND RURAL DEVELOPMENT** shall turn over to

1 ~~such THAT~~ secretary the original petition and any other records in
2 his OR HER office pertaining to the proposed drain. **THE SECRETARY**
3 **SHALL SERVE UNTIL THE DRAINAGE BOARD APPROVES A FINAL ORDER OF**
4 **APPORTIONMENT UNDER SECTION 521.**

5 Sec. 521. (1) After **MAKING** the tentative apportionments of
6 cost ~~have been made, UNDER SECTION 520,~~ the drainage board shall
7 set a time, date, and place it will meet and hear objections to the
8 apportionments. ~~Notice~~ **IN EACH COUNTY INVOLVED, NOTICE** of the
9 hearing shall be published twice ~~in each county involved by~~
10 ~~inserting the notice in~~ at least 1 newspaper published in the
11 county ~~AND~~ designated by the drainage board. The first
12 publication ~~is to~~ **MUST** be not less than 20 days before the time of
13 hearing. The notice shall also be sent by registered mail to the
14 clerk or secretary of each public corporation proposed to be
15 assessed, except that a notice to ~~the~~ **THIS** state shall be sent to
16 the ~~state highway~~ director **OF THE STATE TRANSPORTATION DEPARTMENT**
17 and a notice to a county shall be sent both to the county clerk and
18 the county road commission. The mailing shall be made not less than
19 20 days before the time of hearing. The notice shall be signed by
20 the secretary and proof of the publication and mailing of the
21 notice shall be filed with the secretary. The drainage board may
22 provide a form to be substantially followed in the giving of the
23 notice. The notice shall include tentative apportionments to the
24 several public corporations.

25 (2) After the hearing, the drainage board may confirm the
26 apportionments as tentatively made, or, if it considers the
27 apportionments to be inequitable, it shall readjust the

1 apportionments. Before readjusted apportionments are confirmed, the
2 drainage board shall set a time, date, and place for a rehearing
3 and shall give notice of the hearing **IN THE MANNER PROVIDED IN**
4 **SUBSECTION (1)**. The notice shall also set forth the apportionments
5 as readjusted. ~~It shall then~~

6 (3) **AFTER THE HEARING OR REHEARING, THE BOARD SHALL** issue its
7 order setting forth the several apportionments as confirmed. The
8 order shall be known as the final order of apportionment.

9 (4) **UPON ISSUANCE OF THE FINAL ORDER OF APPORTIONMENT AND EACH**
10 **YEAR THEREAFTER, THE DRAIN COMMISSIONER FOR THE COUNTY WITH THE**
11 **HIGHEST AGGREGATE APPORTIONMENTS MAY OPT TO BECOME THE SECRETARY OF**
12 **THE DRAINAGE BOARD. IF THAT DRAIN COMMISSIONER DECLINES TO SERVE AS**
13 **SECRETARY, THE DRAINAGE BOARD SHALL ELECT ANOTHER OF ITS MEMBERS TO**
14 **THAT POSITION.**

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.