

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.34112 Irrigation board; creation; membership; chairperson; availability of writings to public; minutes; records and files; member as commissioner of irrigation and public officer; presumption; contested report or action; burden of proof; exception.**

Sec. 34112. (1) There is created for each irrigation district petitioned for under this part an irrigation board to consist of the drain commissioner of each county involved in the project in which the lands of the proposed irrigation district are located, the director of the department of agriculture, and the chairperson of the directors of each soil conservation district involved in the project in which the lands of the proposed irrigation district are located. The director of the department of agriculture may designate a representative from the department of agriculture and the chairperson of the directors of each soil conservation district may designate a representative from the directors of the soil conservation district to serve in their place as members of the irrigation board. The county drain commissioner of the county in which the largest amount of irrigation district land is contained shall serve as chairperson of the irrigation board.

(2) A writing prepared, owned, used, in the possession of, or retained by the irrigation board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The chairperson of the irrigation board shall keep minutes of the proceedings of the irrigation board, and records and files of the board shall be kept in his or her office.

(3) A member of the irrigation board shall be known as a commissioner of irrigation. A commissioner of an irrigation district is a public officer. The presumption shall be in favor of the regularity and validity of the official act of a commissioner of irrigation. When a report of the commissioners of an irrigation district or action is contested, the burden of proof shall rest upon the contestant. This subsection shall not apply to an action brought with respect to a failure to comply with Act No. 442 of the Public Acts of 1976, as prescribed in subsection (2), or a failure to comply with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

**History:** Add. 1995, Act 59, Imd. Eff. May 24, 1995.

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