

## THE DRAIN CODE OF 1956 (EXCERPT)

### Act 40 of 1956

#### CHAPTER 22.

#### WATER MANAGEMENT DISTRICTS AND SUBDISTRICTS

##### **280.551 Water management; definitions.**

Sec. 551. Whenever used in this chapter, except when otherwise indicated by the context:

- (a) The term "state" shall be deemed to mean the state of Michigan.
- (b) The term "public corporation" shall be deemed to include the state of Michigan, counties, cities, villages, townships, metropolitan districts and authorities created by or pursuant to state statutes.
- (c) The term "agencies" shall be deemed to include those officers, boards, commissions and other bodies created by public corporations or by the federal government, which are authorized to act in their own names.
- (d) The term "director of agriculture" shall be deemed to mean the director of agriculture of the state of Michigan.
- (e) The term "project" shall be deemed to mean any flood control or drainage project petitioned for or undertaken under the provisions of this chapter in any water management district or subdistrict. The term shall be deemed to include any alteration of streams, rivers, drains, lakes, reservoirs, ponds, swamps, marshes, or any other waters, and any of the watersheds thereof. The term shall also include any dike, dam, reservoir, pumping station or other works involved in such alteration.
- (f) The term "water management district" shall be deemed to mean the area comprising all or part of 3 or more contiguous counties within a single drainage basin in which a project is petitioned for or undertaken under the provisions of this chapter, and shall include such counties and all public corporations within such area as shall be subject to assessment for the cost of such project.
- (g) The term "subdistrict" shall be deemed to mean the area comprising that portion of a water management district in which a project is petitioned for under the provisions of this chapter, which project benefits only 1 or more public corporations within the water management district. The term shall include only the public corporations or corporations so specially benefited by the project.
- (h) The term "commission" shall be deemed to mean the water management commission of a water management district.
- (i) The term "board" shall be deemed to mean the water management board of a water management district.
- (j) The term "benefit" or "benefits" shall be deemed to mean advantages resulting from a project to public corporations, the inhabitants of public corporations, and property within public corporations. The term shall be limited to benefits which result from the drainage and control of water, and shall include such factors as: elimination of flood damage; elimination of water conditions which jeopardize the public health or safety; increase of the value or use of lands and property arising from improved drainage and elimination of floods; and the advantageous use to which water may be directed as a result of the project, and incidental thereto, for agricultural, conservation and recreational purposes.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

##### **280.552 Water management; petition for flood control or drainage project, filing, signatures, contents, map.**

Sec. 552. Whenever it shall be necessary for the public health, safety or welfare to establish a water management district to undertake a project in all or part of 3 or more contiguous counties in this state for purposes of flood control or drainage, a petition therefor may be filed with the director of agriculture, signed by 3 or more public corporations, and, if a district with 8 or more counties, by 3 or more counties, which will be subject to assessments to pay the cost of such project. Such petition shall state that it is filed pursuant to the provisions of this chapter, shall set forth the proposed name of the district and the necessity for the project in the interest of the public health, safety or welfare; and shall contain a general description of the type, purpose and location of the proposed project, which description need be only sufficiently accurate as to determine with reasonable certainty the waters, works and territory involved in the project and the public corporations to be benefited thereby. A map showing the boundaries of the proposed district and a certified copy of the resolution of the governing body of each public corporation, authorizing its signature thereto, shall be attached to the petition. Such petition may be filed in more than 1 counterpart.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.553 Water management commission; members, appointment, compensation, expenses, approval of plans, orders and assessments.**

Sec. 553. There is created for each water management district petitioned for under the provisions of this chapter, a water management commission consisting of (a) the drain commissioner of each county within the district; (b) 1 representative of each county within the district, to be appointed by the county board of supervisors in the usual manner employed by such county in appointing members to county boards or commissions; (c) 1 representative of each city or village within the district with a population of 5,000 or more, and 1 additional representative for each 20,000 of population or any major fraction thereof by which the population of such city or village exceeds 10,000, to be appointed by the governing body, but no city or village shall have more than 10 representatives; (d) 1 director of a soil conservation district to be designated by the directors of all such districts within a water management district; and (e) the director of agriculture, who shall serve as chairman of the commission. County soil conservation district and city or village representatives shall be resident property owners of the district and shall serve at the pleasure of the appointing body. Each member of the commission appointed by a county board of supervisors and county soil conservation districts shall receive such compensation, mileage and expenses as shall be provided by the water management commission except that such compensation shall not exceed \$25.00 per diem exclusive of mileage and expenses for attendance at water management commission meetings. Members who are drain commissioners, or who are county or city employees, shall be reimbursed for actual and necessary expenses but shall not receive any other compensation. The director of agriculture or his deputy shall not receive any compensation or reimbursement for expenses incurred as a member of the commission. A vote of 3/5 of all of the members of the commission shall be required to approve any preliminary or final order of determination, official plan, final order of apportionment, or other matter involving any assessment or increase in assessment of costs.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1969, Act 285, Eff. Mar. 20, 1970.

**Popular name:** Act 40

**280.554 Water management board; members; terms; vacancy; qualifications; chairman; procedures; employees; treasurer; bond; secretary; audit.**

Sec. 554. (a) For each water management district created under the provisions of this chapter, there is also created a water management board, to consist of 5 members appointed by the water management commission for terms of 5 years each: Provided, That of the members first appointed, 1 shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, 1 for a term of 4 years, and 1 for a term of 5 years: Provided further, That the service of any member of the water management board may be terminated at any time by resolution of the water management commission adopted by a majority of all the members of such commission and his successor appointed in the same manner, and for the remainder of the term, as in the case of an original appointment. Vacancies on the board occurring for any other reason shall be filled in the same manner as an original appointment and for the remainder of the term. Members of the water management board shall be resident property owners of the district. In the event that the total of all assessments within any county included in the water management district is 25% or more of the cost of a project which is to be assessed against all public corporations within the district, the commission shall appoint a resident property owner of such county as 1 of the members of the board. In the event a water management district shall include less than 5 counties, the number of members of the board shall be reduced in number to the number of counties included in the water management district. The board at its first meeting shall elect a chairman and adopt such rules of procedure, not inconsistent with the provisions of this chapter, as it finds advisable.

(b) The board is hereby authorized to hire such employees as it shall deem necessary and determine their compensation. No such employee shall be a member of either the commission or board. The board shall designate the treasurer of 1 of the counties of the district, who shall serve as treasurer of the district and furnish a bond in a sum to be fixed by the board, conditioned on the faithful discharge of his duties, the premium thereon to be paid by the water management district. Moneys held by the treasurer shall be paid out only upon order of the board, except that no such order shall be required for the payment of principal and interest on bonds. The secretary of the board shall also serve as secretary of the commission. The board shall cause the accounts of the treasurer to be audited annually by a certified public accountant, the expense thereof to be paid by the water management district.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.555 Water management commission or water management board; meetings; notice;**

**quorum; adjournment; action by board; signing of orders; minutes of proceedings; records; meetings and records open to public.**

Sec. 555. This section shall pertain to either the water management commission or the water management board. Meetings may be called by the chairperson or 2 members of either body, upon notice sent by registered mail to each member. The notice shall be mailed not less than 10 days before the time of the meeting. A majority of the members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. A meeting may be adjourned from time to time. Unless otherwise provided in this act, an action shall not be taken by either body except by a majority vote of the members present and voting. In the event of the adjournment of a hearing, it shall not be necessary to advertise the adjournment of the hearing. Orders issued by either body shall be signed by its chairperson and secretary. The secretary shall prepare and sign duplicate originals of the minutes of the proceedings of the body, one to be retained by the chairperson and the other to be filed with the director of the department of agriculture. The originals of all proceedings and records shall be kept on file with the secretary. The director of the department of agriculture may require the secretary to furnish certified copies of records of either body in the office of the secretary for filing in his or her office, and the certified copies filed shall have the same force and effect as the originals. Meetings shall be open to the public, and records of either body shall be considered public records and available for inspection during regular office hours.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1978, Act 235, Imd. Eff. June 15, 1978.

**Popular name:** Act 40

**280.556 Water management commission; petitions, review; notice of first meeting.**

Sec. 556. Within 30 days following receipt of a petition as provided in section 552 of this act, the director of agriculture shall review the petition for sufficiency and accuracy, shall make a preliminary finding of the counties which in his opinion include public corporations that should be assessed under the provisions of this chapter, and shall mail written notice of the first meeting of the water management commission to the county clerk and drain commissioner of each such county, to the highway agencies having jurisdiction over all highways, roads and streets in said district, to the secretary of each soil conservation district and to the city or village clerk of each city and village within such counties with a population of 5,000 or more according to the latest or each succeeding federal decennial census, which in his opinion are subject to assessment for the cost of the project. Such notice shall request the appointment of a representative of each public corporation so notified to the commission and shall state the time and place of the first meeting, which shall be held not less than 30 nor more than 45 days following the mailing thereof. In the event a county board of supervisors of any such county does not meet in a regular or special session prior to the date of the first meeting of the commission, the chairman of the board of supervisors shall represent the county at the first meeting, and the board of supervisors shall appoint a member to the commission at its next regular or special session. Failure of the governing body of any public corporation entitled to representation to appoint a member to the commission shall not prevent the inclusion of such public corporation in the water management district, nor exempt it from assessment or other obligations imposed by this chapter, but such public corporation shall be without representation until it shall appoint a member. The director of agriculture shall also send notice of the first meeting to the director of the department of conservation, the state highway commissioner and the county road commission of each county within the district.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.557 Water management commission; temporary secretary, by-laws, tentative determination, amendment of petition, notice of adjourned meeting; dismissal of petition; name of district; board; tentative determination; preliminary plans.**

Sec. 557. The commission shall elect a temporary secretary, and may adopt rules of procedure or by-laws, not inconsistent with the provisions of this chapter. The commission shall also consider the petition for the project, and shall make a tentative determination as to the sufficiency of the petition and the necessity and practicability of the proposed project. If the commission shall determine that the petition is insufficient, it may enter an order amending or supplementing such petition, which order shall be deemed to constitute a part of the petition. If such order shall result in the inclusion of any additional public corporation which is entitled to designate a member to the commission, the commission shall adjourn the meeting and shall notify the clerk of such public corporation of the time and place of the adjourned meeting, which notice shall be given in conformity with the requirements of the notice provided for in section 556 of this act. If the commission shall at any time determine that the project is not necessary or practicable, it shall order the petition dismissed, and

proceedings under such petition shall be thereby terminated. Where a petition for a project has been dismissed, such project shall not be petitioned for again under this act for a period of 1 year. If the commission shall find the project necessary and practicable and the petition, in original form or as amended by order of the commission, sufficient, it shall proceed forthwith to select a name for the district, elect a water management board, and make a tentative determination of the public corporations to be assessed for the costs of the project. The commission shall procure preliminary plans which include an estimate of costs of the project, benefits which will result therefrom to the various public corporations comprising the district, and the extent to which each public corporation contributes to the conditions which make the project necessary. The commission shall make a tentative determination, based upon such plans, of the percentage of costs to be assessed to each public corporation comprising the district, and shall transmit a written copy of such determination, together with the petition, any orders amendatory and supplementary thereto, and the preliminary plan to the water management board.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.558 Water management board; hearing of objections; notice of hearing; preliminary order of determination; eliminating or adding public corporation.**

Sec. 558. The water management board shall fix a time, date, and place it will meet to hear objections to the proposed project, the petition for the project, and to the assessments of costs as contained in the tentative determination of the commission. Notice of the hearing shall be published twice in each county involved by inserting the notice in at least 1 newspaper designated by the board and published and circulated in the county. The first publication shall be not less than 20 days before the time of hearing. Notice shall also be sent by registered mail to the clerk or secretary of each public corporation proposed to be assessed, except that a notice to the state shall be sent to the state highway director and the director of the department of natural resources and a notice to a county shall be sent to both the county clerk and the county road commission. The mailing shall be made not less than 20 days before the time of the hearing. The notice shall be signed by the secretary of the board and proof of the publication and mailing of the notice shall be filed with the secretary. The board may provide a form to be substantially followed in the giving of the notice. After the hearing, the board shall make a preliminary determination as to the sufficiency of the petition, the necessity and practicability of the project, whether the project should be undertaken, the public corporations to be assessed, and shall issue a preliminary order accordingly. The order shall be known as the preliminary order of determination. A public corporation shall not be eliminated from, or added to, those tentatively determined to be assessed without a rehearing after notice, except as provided in section 559.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1978, Act 235, Imd. Eff. June 15, 1978.

**Compiler's note:** In the third sentence from the end of this section, "the board shall made" evidently should read "the board shall make."

**Popular name:** Act 40

#### **280.559 Assessment; basis.**

Sec. 559. Any assessment of any nature or kind determined or made under the provisions of this chapter shall be based upon benefits to the public corporation assessed and upon the extent to which such public corporation contributes to the conditions which make a project necessary: Provided, That assessments against the state shall be based solely upon the drainage or prevention of flooding of state highways, and those against the county shall be based solely upon the drainage or prevention of flooding of its county highways. This rule shall govern the director of agriculture, the commission, the board, drain commissioners and any other person in any action relating to determining public corporations to be assessed and in the making of assessments.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.560 Preliminary plans; approval; detailed plans, contents, approval; official plans, filing.**

Sec. 560. The board shall secure the approval of the Michigan water resources commission of the preliminary plans for the project, as soon as may be reasonably possible, and before procuring detailed plans. After approval by the water resources commission of the preliminary plans and after the board has made its preliminary order of determination, the board shall secure detailed plans for the project from a competent engineer and such other qualified personnel as are necessary. The detailed plans shall include detailed plans and specifications of the project and an estimate of costs of the project. The detailed plans shall be submitted to the water resources commission for its approval, and no construction shall be undertaken until the detailed plans are approved. The board shall also submit the detailed plans to the water management commission for

approval before any construction of the project is undertaken. The commission shall review the plans and either adopt them or recommend revisions. Revisions recommended by the commission shall be submitted by the board to the water resources commission for approval as hereinbefore provided. When the detailed plans have been approved by both the water management commission and water resources commission, they shall be known as the "official plans" and shall be filed with the secretary of the board. In approving the plans, the commission shall not be limited to matters described in the petition.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.561 Tentative percentage of cost for assessment; apportionment.**

Sec. 561. After adoption of the official plans, the commission shall proceed to tentatively establish the percentage of cost of the project to be assessed against public corporations within each county within the district, and against the state and counties on account of drainage and prevention of flooding of state and county highways. The percentage of cost so apportioned to public corporations in each county shall then be apportioned by the commission among public corporations to be assessed in such county, which determination shall be filed with the secretary of the board.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.562 Hearing of objections to tentative apportionments of costs; notice of hearing; report; confirmation or readjustment of apportionment.**

Sec. 562. After the tentative apportionments of costs have been made, the board shall set a time, date, and place it will meet and hear objections to the apportionments. Notice of the hearing shall be published twice in each county involved by inserting the notice in at least 1 newspaper designated by the board and published in the county. The first publication is to be not less than 20 days before the time of hearing. The notice shall also be sent by registered mail to the clerk or secretary of each public corporation proposed to be assessed, except that a notice to the state shall be sent to the state highway director and the director of the department of natural resources and a notice to a county shall be sent both to the county clerk and the county road commission. The mailing shall be made not less than 20 days before the time of the hearing. The notice shall be signed by the secretary and proof of the publication and mailing of the notice shall be filed with the secretary. The board may provide a form to be substantially followed in the giving of the notice. The notice shall include tentative apportionments to the several public corporations. After the hearing, the board shall make a written report of its findings on the apportionments to the commission, which may either confirm the apportionments as tentatively made or may recommend readjustments of any apportionments considered inequitable.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1978, Act 235, Imd. Eff. June 15, 1978.

**Popular name:** Act 40

#### **280.563 Water management commission; review of board's apportionment; final order of apportionment; annual meeting; work plan, advisory committees.**

Sec. 563. The commission shall meet for the purpose of considering the apportionments and report made by the board. The commission may readjust the apportionments: Provided, That before any readjusted apportionments shall be confirmed, the commission shall set a time and a place for rehearing and shall give notice thereof and hold a hearing thereon, as provided in section 562, which notice shall also set forth the apportionments as readjusted. The commission shall then issue its order setting forth the several apportionments as confirmed, which order shall be known as the "final order of apportionment". All further action with respect to the project shall be taken by the board: Provided, That the commission may be reconvened at the call of its chairman, any 2 members thereof, or at the request of the board for the purpose of making any correction or addition to its proceedings within the scope of its powers: And provided further, That the commission shall meet at least once annually. At its annual meeting the commission shall elect a member of the board, approve assessments for operation and maintenance, approve a work plan for the district for the ensuing year, and conduct such other business as is within its powers under the provisions of this act. The commission may appoint such advisory committees as it deems necessary.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.564 Lands and rights of way; condemnation, procedure, federal governmental participation; costs.**



Sec. 564. The board shall then proceed to secure the necessary lands and/or rights of way for the proposed project. If the same cannot be secured by negotiation, then the board may proceed under the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41, inclusive, of the Compiled Laws of 1948, and shall be deemed to be a "state agency" as that term is used in said act, or if the project is one in which the federal government is participating in any manner, then such lands and/or rights of way may be acquired through proceedings brought by the federal government under any appropriate federal act: Provided, That no condemnation proceeding under this act shall be instituted until the board has first given written notice by registered mail to the highway agencies having jurisdiction over any highway, road or street affected by the lands or rights of way to be acquired by such condemnation proceeding. In event that lands and/or rights of way shall be acquired through proceedings under a federal act, then the amount of the awards in such proceeding shall be deemed to be a part of the cost of the project to the same extent as if the condemnation proceedings had been taken under the laws of this state.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.565 Contracts with federal government or corporations; bids.**

Sec. 565. The board may contract with the federal government (which term as used in this section shall include any agency thereof) whereby the federal government will pay the whole or any part of the cost of the project and/or will perform the whole or any part of the work connected therewith, which contract may include any specific terms required by act of congress or federal regulation as a condition for such participation on the part of the federal government. The board may also contract with any private corporation or with any public corporation (which term as used in this section shall include any agency thereof) in respect to any matter connected with the construction and/or maintenance of any project. Such a contract may provide that any payments made or work done by such a public corporation shall relieve it in whole or in part from assessment for the cost of the project. No construction work shall be undertaken until the board has advertised for and received bids for the performance of such work and a contract let to the lowest responsible bidder: Provided, That this provision shall not apply to work to be performed by the federal government or a public corporation.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.566 Special assessment roll; installments, payment, interest.**

Sec. 566. After the confirmation of the apportionments by the commission, the board shall cause to be prepared by the secretary of said board a special assessment roll assessing the estimated cost of the project (or if the actual cost has been ascertained, then such actual cost) against the several public corporations in accordance with the confirmed apportionments. The board may provide for the payment of such special assessments in any number of approximately equal annual installments, not exceeding 20. Installments of assessments against the state and against public corporations which collect their taxes beginning approximately December first in each year shall become due and payable on or before April first of each year. Installments of assessments against other public corporations shall become due and payable on or before such date or dates as shall be fixed by the board, depending upon the time or times of the collection of taxes by such public corporations. The board shall fix the amount of interest, not exceeding 6%, to be paid upon unpaid installments, which interest shall become due annually on the day and month upon which the annual installments become due. Any installment or installments may be paid in advance of the due date thereof with interest computed to the next installment due date. The board shall fix the time or times for the payment of the first installment so that each public corporation can make a tax levy for the payment thereof.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.567 Special assessment roll; contents, approval; certification to corporation assessed; annual notice of installment and interest; advancement by county; assessment against state; correction of assessment.**

Sec. 567. The special assessment roll shall contain the name of each public corporation assessed, the total estimated cost of the project (or actual cost if the same has been ascertained at the time of the preparation of the roll), the percentage apportioned to each public corporation, the amount of the assessment against each public corporation based upon the said percentage of apportionment, and the amount of each installment if the assessment is divided into annual installments. After the said special assessment roll has been prepared, it shall be presented to the board for approval. When such roll shall have been approved, then a statement to the

effect signed by the chairman and secretary of the board shall be affixed to said roll setting forth the date of such approval. The chairman of the board shall then certify to each public corporation assessed, the amount of the total assessment against it, the amount of the various installments if such assessment is divided into installments, the due date of each installment and the rate of interest upon installments from time to time unpaid. The treasurer shall also each year, at least 30 days prior to the time of the levying of taxes by each public corporation, notify it of the amount of the installment and interest next becoming due: Provided, That the failure to so notify any public corporation shall not excuse it from making payment of such installment and interest. On or before the due date of any installment, each public corporation shall pay to its county treasurer the full amount thereof together with interest accruing to such due date, and within 15 days thereafter such county treasurer shall forward the amount so paid to the treasurer of the board. If any such public corporation shall fail or neglect to so account to the county treasurer for the amount of any such installment and interest, then the county treasurer shall advance the amount thereof to the treasurer of the board from county funds and deduct the same from any moneys (other than those pledged for the payment of debts) then or thereafter payable by him to such public corporation. The board of supervisors of any county which shall have advanced any money for a public corporation, and which shall not have been reimbursed therefor, may order such public corporation and its officers to levy upon its next tax roll an amount sufficient to make such reimbursement on or before the date when its taxes become delinquent; and it shall be the duty of such public corporation and its tax levying and collecting officials to levy and collect such taxes and to reimburse the county: Provided, That the foregoing shall not prevent the county from obtaining reimbursement by any other legal method. Assessments against the state shall be certified to the state highway commissioner and paid from state highway funds. It shall be the duty of the tax levying officials of each of the other public corporations assessed to levy sufficient taxes to pay assessment installments and interest as the same shall become due unless there shall have been set aside moneys sufficient therefor. If a special assessment roll shall be prepared upon the basis of the estimated cost of the project, then after the actual cost has been ascertained and determined by the board, the special assessments and the installments thereof shall be corrected by adding any deficiency or deducting any excess, or refunding the amount of any prepaid assessment in excess of the assessment based upon actual cost. The board may order such corrections to be made upon the original roll or may order that a new corrected roll be prepared and submitted for approval by the board.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.568 Assessments and taxes not subject to statutory or charter debt or tax limitations.**

Sec. 568. Assessments made under the terms of this chapter shall not constitute an indebtedness of a public corporation within any statutory or charter debt limitation, and taxes levied by a public corporation for the payment of such assessments shall not be deemed to be within any statutory or charter tax limitation.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.569 Bonds; issuance; maturity; mandatory exemption; signatures; collection of assessments.**

Sec. 569. The board may issue bonds for and on behalf of the water management district, in anticipation of the collection of any or all installments of assessments, and pledge the full faith and credit of the water management district for the prompt payment of the principal of and interest on the bonds. The bonds shall mature or be subject to mandatory redemption with the last maturity not later than 2 1/2 years after the due date of the last installment of the assessments. However, there may be more than 1 principal maturity or mandatory redemption date during any 12-month period. The bonds shall be signed by the chairperson and secretary of the board, who shall cause their facsimile signatures to be affixed to the interest coupons attached thereto. Collections of both principal and interest on all installments of assessments in anticipation of which bonds shall have been issued shall be kept in a separate bank account by the treasurer for the board and used for no other purpose than the payment of principal and interest on the bonds until the full payment of the principal and interest on the bonds.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 2016, Act 27, Imd. Eff. Mar. 1, 2016.

**Popular name:** Act 40

#### **280.570 Additional assessment; apportionment.**

Sec. 570. If for any reason the original assessment shall not be sufficient to pay the principal and interest on bonds issued in anticipation of the collection thereof, then the board shall make such additional

assessments therefor as may be necessary, apportioned as in the first instance, it being the intention hereof that the collections on assessments shall under all circumstances be sufficient to pay said principal and interest.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.571 Water management board; continuation, responsibility; budget, hearing, adoption.**

Sec. 571. The board shall continue in existence with such changes in personnel as shall result from appointment of members by the commission. It shall be responsible for the operation and maintenance of district projects. The board shall prepare annually and submit to the commission a tentative budget for the maintenance and operation of district projects together with the percentage of such costs proposed to be assessed against each of the several public corporations. The commission shall give 10 days' notice by registered mail of the hearing on the budget to each public corporation in the district. After such hearing, a budget shall be adopted and the assessment against each public corporation determined.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.572 Advancements by corporations; reimbursement.**

Sec. 572. Public corporations may advance funds for the payment of any part of the cost of a project hereunder and shall be repaid by the district when funds are available therefor. The board is hereby authorized to assess preliminary costs in an equitable manner prior to the issuance of bonds, against public corporations within the district, to be assessed and collected as provided in section 567 of this act: Provided, That the percentage of such costs to be assessed against such public corporations shall be approved by the commission.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.573 Costs; items, contingent expenses.**

Sec. 573. The cost of any project shall include (1) the cost of locating, establishing and constructing the project; (2) the administrative staff, office and other expenses of the board and commission; (3) the cost of construction of all works and appurtenances necessary to efficient operation and maintenance of the project; (4) the cost of acquiring any lands and/or rights of way; (5) all engineering, legal and other professional fees; (6) the cost of the service and publication of all notices; (7) interest on bonds for the first year, if bonds are to be issued; and (8) an amount not exceeding 10% of those costs which are to be assessed against public corporations, to cover contingent expenses.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.574 Water management commission; powers.**

Sec. 574. The commission of any water management district created under this act may authorize the board to (a) sell surplus water acquired as a result of construction of projects; (b) lease district-owned lands for agricultural or other purposes; (c) cooperate with soil conservation districts in control of soil erosion; and (d) develop and operate recreational facilities on district-owned property, either in cooperation with the Michigan department of conservation and/or public corporations within the district, or independently when it is not feasible or practical for the department or such public corporations to provide and operate the facilities: Provided, That if any such acts shall result in additional expense, they shall not be authorized until after public hearing as provided in section 558 of this act.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.575 Subdistrict; petition; official plan, final order of apportionment of cost; assessment.**

Sec. 575. In the event it shall be necessary for the public health, safety or welfare to undertake a project within a portion of a water management district which will benefit only 1 or more contiguous public corporations within the water management district, a petition may be filed with the secretary of the commission, signed by 1 or more of the public corporations which will be benefited by the project for the creation of a subdistrict to undertake such project. The petition shall be in conformity with the requirements of petitions for the creation of water management districts insofar as such requirements are applicable thereto. No commission or board shall be created for any subdistrict, but the commission and board of the water management district shall serve in such capacity with respect to the subdistrict. The commission shall



determine whether or not it desires to undertake the project before any further action is taken thereon. If the commission shall determine to undertake the project, the commission and board shall proceed to adoption of an official plan and final order of apportionment in the same manner as provided in this chapter in the case of district projects: Provided, That in all actions of the commission involving the subdistrict, other than the determination aforesaid, only members of the commission from public corporations comprising the subdistrict shall be entitled to vote and the vote of a majority of such members shall control. The cost of the project within the subdistrict shall be assessed only against public corporations comprising the subdistrict, but may be financed as a part of the cost of other projects within the water management district. Except as herein otherwise provided all provisions of this chapter pertaining to projects in water management districts shall pertain to projects in subdistricts insofar as applicable thereto.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.576 Water management district in interstate river basin; powers of commission.**

Sec. 576. Whenever it shall be necessary for the public health, safety or welfare to establish a water management district in all or part of 1 or more contiguous Michigan counties lying within an interstate river basin, to undertake a project in cooperation with districts in states adjoining Michigan for purposes of flood control or drainage, such district may be created, and such project shall be authorized, financed and constructed in conformity with the provisions of this chapter, except as otherwise provided in this section. If such district shall consist of less than 3 counties, the commission shall exercise all powers and perform all functions and duties of the board, and the boards of supervisors of said counties may increase the membership of said commission by a majority vote of all of said boards of supervisors. The commission of such district shall also have power to enter into contracts with other states, or its agencies, or water management districts of other states, with respect to apportionment of the costs of such project between the said Michigan district and said other state or its agencies or water management districts of other states, and with respect to any matter connected with the construction and maintenance of the project or any part thereof.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.577 Venue of actions; appointment of circuit judge.**

Sec. 577. Any action arising from the provisions of this chapter except such actions as may be brought directly in the supreme court may be brought in the circuit court of any county in which any part of the project involved is located: Provided, That on request by any party to said action made prior to the time said action is instituted, or within 30 days after receipt of service of process, the presiding circuit judge of Michigan shall appoint a circuit judge to hear said action.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.578 Deputy for director of agriculture; powers.**

Sec. 578. The director of agriculture may designate a deputy to act in his stead in respect to the performance of his duties under this chapter. Where any deputy so acts, it shall be conclusively presumed that he was properly designated by the director of agriculture. Any official proceedings may be signed by such deputy in his own name. The signature of such deputy shall be followed by his official title. Where a deputy has been designated by the director of agriculture to act in his stead in connection with all the proceedings as to any project, then any notice required to be served upon or mailed to the director of agriculture may be served upon or mailed to such deputy. The director of agriculture is hereby empowered to appoint a deputy who shall have power to act in his place under any and all circumstances in respect to matters within the scope of this chapter, irrespective of whether or not he is authorized to appoint a general deputy.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

#### **280.579 Intercounty drain; construction or improvement for flood control project.**

Sec. 579. Any intercounty drain or any portion thereof now or hereafter existing may be constructed, cleaned out, relocated, widened, deepened, straightened, tiled or otherwise improved when necessary for the public health, as a part of any flood control project under the provisions of this chapter.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.580 Public and private construction in works owned by water management district; plans, approval.**

Sec. 580. Plans for the alteration or construction of any bridge, road, pipe line, power line, drain, sewer or other public and private construction in, into or across any right of way or in, into or across any drain, channel, dike, reservoir or other works owned, constructed and controlled by a water management district shall be submitted to the board prior to construction, and the board is hereby authorized to prescribe the manner in which such public or private works shall cross, be adjusted to or connected with any right of way, channel, dike, reservoir or other construction owned or controlled by the district.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.581 Certiorari; time; legal establishment of project.**

Sec. 581. Neither the final order of determination nor the final order of apportionment shall be subject to attack in any court except by proceedings in certiorari brought within 30 days after the filing of such order in the office of the secretary of the board issuing the same. If no such proceeding shall be brought within the time above prescribed, the project shall be deemed to have been legally established and the legality of the project and the assessments therefor shall not thereafter be questioned in any suit at law or in equity: Provided, That all notices given under this chapter shall include the language contained in this section prior to this provision.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.582 Provisions applicable.**

Sec. 582. In operating under the terms of this chapter, the several boards and officials shall not be limited by the provisions contained in other chapters of this act and the procedures required under the terms of such other chapters shall not be deemed to be applicable.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40

**280.583 Validation of prior bonds.**

Sec. 583. The provisions of this chapter shall not be construed to validate and shall not validate any bonds or other obligations issued prior to August 13, 1954.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956.

**Popular name:** Act 40