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INTERCOUNTY DRAIN BOARD MEMBERS

House Bill 4547

Sponsor: Rep. Andrew Richner
**Committee: Agriculture and Resource
Management**

Complete to 4-26-99

A SUMMARY OF HOUSE BILL 4547 AS INTRODUCED 4-21-99

Currently, under the Drain Code, an intercounty drainage board is created for each project that is petitioned for under the code, and consists of the "director of agriculture" and the drain commissioner of each county involved in the project. When the director of the Department of Agriculture receives a petition for an intercounty drain project, he or she is required to make a preliminary finding of the counties, which, in the director's opinion, include public corporations that should be assessed for the cost of the proposed drain. Drainage boards are responsible for the operation and maintenance of the drain, and any expenses incurred in administration and in the operation and maintenance of the drain that are not covered by the contract must be paid by the public corporations assessed for the cost of the drain in the same proportion as they were assessed for the cost of the drain.

The bill would amend the Drain Code to add to intercounty drainage boards members of the governing bodies of each public corporation in a charter county with a population of more than 2,000,000 (i.e. Wayne County) if the public corporations in that county are being -- or, for a new project, would be -- assessed 90 percent or more of the cost of the project and if each of the public corporations in that county is or would be assessed for at least 30 percent of the cost of that project. These members would be appointed by a vote of the public corporation's governing board. For drains for which the final order of apportionment was issued after the bill's effective date, the director of the Department of Agriculture would make the initial determination, after the petition for the project was filed, whether a public corporation was entitled to appoint a member of the drainage board under the bill. For all drains for which a final order of apportionment had been issued, the final determination whether a public corporation was entitled to be represented would be based on the final order of apportionment. (As used in the bill, "public corporation" would mean a city, village, township, metropolitan district, or authority created by or under state law and located entirely within one county.) As is the case now with the director of the Department of Agriculture and the drain commissioners, an intercounty drainage board would continue despite any changes in who was director of the department and in who held the offices of the "public corporation" drainage board members.

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The bill also would allow the drainage board to provided compensation, mileage, and expenses for "public corporation" drainage board members, though compensation could not be more than \$25 a day (excluding mileage and expenses) for attending drainage board meetings.

MCL 280.514 and 280.530

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.