



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 865 (as introduced 2-9-22)
Sponsor: Senator Jeremy Moss
Committee: Local Government

Date Completed: 6-16-22

CONTENT

The bill would amend the Drain Code to do the following:

- **Modify the method in which a drain commissioner must give notice of a meeting of the board of determination.**
- **Modify the compensation the drain commissioner could approve for a member of a board of determination.**
- **Include a village in the required parties a drain commissioner would have to notify of a meeting of the board of determination.**
- **Modify provisions governing the compensation for a drain commissioner and members of a county board of commissioners serving on a drainage board or augmented drainage board.**

Board of Determination

The Code allows the drain commissioner to appoint a board of determination composed of three disinterested property owners. The drain commissioner must call a meeting of the board of determination at a convenient place within a city, village, or township in which the drain is located.

The drain commissioner must give notice of the time, date, and place of a meeting in the manner required by the Open Meetings Act and by the following:

- Publication twice in a newspaper of general circulation in the county or a newspaper of general circulation in the proposed consolidation district; the first publication must be at least 10 days before the meeting.
- To the county clerk and the clerk of each township, or city in the proposed consolidation district, personally or registered by mail at least 10 days before the meeting.
- By first-class mail of the time, date, and place of the meeting, at least 10 days before the date of a meeting to each person whose name appears on the last city, or township tax assessment roll as owning land within the existing draining districts, a portion of which is proposed to be consolidated, or owning lands within the proposed consolidated drainage district whose land is not within an existing drainage district, at the address shown on the roll.

Under the bill, the drain commissioner would have to give notice of the time, date, and place of the meeting of the board of determination in the manner required under the Open Meetings Act and also as provided in all of the following:

- By publication in a newspaper of general circulation in a county or the proposed consolidation district; the first publication would be at least 10 days before the meeting.
- To the county clerk and to the *supervisor of each township and the clerk of each village* or city in the proposed consolidation drainage district, personally or by registered mail at least 10 days before the meeting.
- By first class mail at least 10 days before the date of the meeting to each person whose name appeared on the last city, *village*, or township tax roll as owning land within any of the existing drainage districts or owning land within the proposed consolidated drainage district but not within an existing drainage district, at the address shown on the roll.

The Code specifies that the compensation of a member of the board of determination is \$8 per day with no additional allowance for mileage. A county board of commissioners may increase the per diem compensation. Instead, under the bill, the drain commissioner would have to determine reasonable compensation for and approve necessary expenses of a member of the board of determination for each meeting attended.

Drain Commissioner Salary

Chapter 16 of the Code (Special County Commissioners) specifies that the salary of a drain commissioner appointed must be the same as that received by him or her from the county of which he or she is a commissioner, together with all expenses actually and necessarily incurred by him or her and must be assessed against the drain in connection with which the services were performed and must be paid in the same manner as other expenses are paid. The bill would delete this provision.

Under the bill, the drain commissioner, instead, would have to determine reasonable compensation for and approve necessary expenses of the commissioner appointed under Chapter 16 for each meeting attended. The amounts would have to be assessed against the drain in connection with which the services were performed and paid in the same manner as other expenses were paid.

Drainage Board

The Code creates a drainage board for each project petitioned under Chapter 20 (Intracounty Drains; Public Corporations).

The chairperson of the county board of commissioners and any member of the board of commissioners serving on the drainage board must receive compensation, mileage, and expenses as provided by the drainage board. However, compensation paid to a member may not exceed \$25 per diem, exclusive of mileage and expenses for attendance at drainage board meetings. In counties with a population of less than 500,000, a commissioner must be paid the same compensation at other members of the drainage board. The bill would delete these provisions.

Under the bill, the drainage board would have to determine reasonable compensation for and approve necessary expenses of the chairperson or members of the county board of commissioners serving on the drainage board for each meeting attended.

Augmented Drainage Board

The Code creates an augmented drainage board for each project petitioned under Chapter 21 (Intercounty Drains; Public Corporations).

The chairperson of the county board of commissioners and any member of the board of commissioners serving on the augmented drainage board must receive compensation, mileage, and expenses as provided by the augmented drainage board. However, compensation paid to a member may not exceed \$25 per diem, exclusive of mileage and expenses for attendance at drainage board meetings. The bill would delete these provisions.

Under the bill, the augmented drainage board would have to determine reasonable compensation for and approve necessary expenses of the chairperson or members of the county board of commissioners serving on the augmented drainage board for each meeting attended.

MCL 280.72 et al.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State government but could increase or decrease local government expenses by an unknown amount. The bill would eliminate provisions of the Code specifying the salaries assigned to drain commissioners and the compensation amount to be paid to drainage board members. The bill would allow the commissioner to determine a reasonable compensation amount. Therefore, it is unknown whether the bill would result in an increase or decrease in expenses for local governments.

Fiscal Analyst: Chris Semrinec

SAS\S2122\s865sa

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.