

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6375

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending sections 395, 478, and 530 (MCL 280.395, 280.478, and
280.530).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 395. **(1)** The county drain commissioner **OR THE INTERCOUNTY**
2 **DRAINAGE BOARD** may relinquish ~~jurisdiction and control~~ to a **COUNTY,**
3 township, city, ~~or~~ village, **AUTHORITY, OR BOARD OF COUNTY ROAD**
4 **COMMISSIONERS OR TO THE STATE TRANSPORTATION DEPARTMENT**
5 **JURISDICTION AND CONTROL OF ALL OR PART** of any county ~~drainage~~
6 ~~district upon which there is~~ **OR INTERCOUNTY DRAIN IF ALL OF THE**
7 **FOLLOWING REQUIREMENTS ARE MET:**
8 **(A) THE DRAINAGE DISTRICT HAS** no outstanding indebtedness or
9 contract liability. ~~and which~~ **INDEBTEDNESS OR CONTRACT LIABILITY**

1 THAT WILL BE PAID IN FULL WHEN JURISDICTION AND CONTROL IS
 2 RELINQUISHED IS NOT CONSIDERED TO BE OUTSTANDING.

3 (B) THE DRAIN OR PART OF THE DRAIN TO BE RELINQUISHED AND THE
 4 AREA THE DRAIN OR PART OF THE DRAIN SERVICES is wholly located
 5 within the boundaries of ~~a~~THE COUNTY, township, city, ~~or~~village,
 6 OR AUTHORITY OR WITHIN THE PUBLIC RIGHT-OF-WAY OF THE BOARD OF
 7 COUNTY ROAD COMMISSIONERS OR THE STATE TRANSPORTATION DEPARTMENT
 8 THAT IS TO ACCEPT JURISDICTION AND CONTROL OF THE DRAIN OR PART OF
 9 THE DRAIN. ~~, and thereafter the~~

10 (C) THE RELINQUISHMENT IS APPROVED BY BOTH OF THE FOLLOWING:

11 (i) A MAJORITY OF THE MEMBERS OF THE COUNTY BOARD OF
 12 COMMISSIONERS FOR A COUNTY DRAIN OR OF THE DRAINAGE BOARD FOR AN
 13 INTERCOUNTY DRAIN.

14 (ii) THE GOVERNING BODY OF THE COUNTY, TOWNSHIP, CITY,
 15 VILLAGE, OR AUTHORITY, THE BOARD OF COUNTY ROAD COMMISSIONERS, OR
 16 THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT, THAT IS TO
 17 ACCEPT JURISDICTION AND CONTROL OF THE DRAIN OR PART OF THE DRAIN.
 18 IF RELINQUISHMENT OF JURISDICTION AND CONTROL IS TO A COUNTY, THE
 19 RESOLUTION OF THE GOVERNING BODY OF THE COUNTY SHALL SPECIFY THE
 20 COUNTY AGENCY, SUCH AS BOARD OF PUBLIC WORKS, ROAD DEPARTMENT, OR
 21 PARKS AND RECREATION COMMISSION, THAT SHALL BE THEREAFTER
 22 RESPONSIBLE FOR THE EXERCISE OF JURISDICTION AND CONTROL.

23 (2) UPON RELINQUISHMENT OF ALL OR PART OF A DRAIN UNDER
 24 SUBSECTION (1), THE FOLLOWING APPLY:

25 (A) THE county drain commissioner ~~shall be~~ OR DRAINAGE BOARD
 26 IS relieved of, and the COUNTY, township, city, ~~or~~village, BOARD
 27 OF COUNTY ROAD COMMISSIONERS, OR AUTHORITY OR THE STATE

1 **TRANSPORTATION DEPARTMENT** shall assume, the maintenance,
 2 jurisdiction, control, and operation ~~thereof~~ **OF THE DRAIN OR PART**
 3 **OF THE DRAIN RELINQUISHED** and its future operation shall be
 4 financed in the same manner as is provided for special assessment
 5 districts within ~~such~~ **THE COUNTY**, township, city, or village **OR AS**
 6 **OTHERWISE PROVIDED BY LAW.** ~~÷ Provided, That such proceeding shall~~
 7 ~~have first been approved by a majority of the members elect of the~~
 8 ~~county board of supervisors and by the resolution of the governing~~
 9 ~~body of the township, city or village in which such drain is~~
 10 ~~located.~~

11 ~~—— Any money which shall be in the drain fund of any such~~
 12 ~~drainage district at the time jurisdiction over it is transferred~~
 13 ~~as provided in this section shall be distributed in the same manner~~
 14 ~~as is provided in sections 391 to 394, inclusive, of this act in~~
 15 ~~the case of abandoned or vacated drains.~~

16 **(B) IF JURISDICTION AND CONTROL IS RELINQUISHED OVER ALL OF A**
 17 **DRAIN, ANY MONEY IN THE DRAIN FUND OF THE DRAIN SHALL BE TURNED**
 18 **OVER TO THE COUNTY, TOWNSHIP, CITY, VILLAGE, AUTHORITY, OR BOARD OF**
 19 **COUNTY ROAD COMMISSIONERS OR TO THE STATE TRANSPORTATION DEPARTMENT**
 20 **THAT ACCEPTED JURISDICTION AND CONTROL, TO BE USED SOLELY WITH**
 21 **RESPECT TO THAT DRAIN.**

22 Sec. 478. **(1)** The drainage board for each project shall
 23 continue in existence with ~~such~~ changes in personnel ~~as shall~~ **THAT**
 24 result from changes in the officers constituting the board
 25 membership. ~~It shall be~~ **THE DRAINAGE BOARD IS** responsible for the
 26 operation and maintenance of the drain.

27 **(2)** Any necessary expenses incurred in administration and in

the operation and maintenance of the drain and not covered by contract shall be paid by the several public corporations assessed for the cost of the drain. The assessments shall be in the same proportion as the cost of the drain was assessed unless the drainage board establishes a different proportion for the assessments after notice and hearing as provided in section 469.

(3) The drainage board, by resolution, ~~duly adopted by it,~~ may relinquish jurisdiction and control over all or ~~any~~ part of a drain ~~or drain project at any time when~~ **IF** there is no outstanding indebtedness or contract liability of its drainage district. ~~7~~

JURISDICTION AND CONTROL MAY BE RELINQUISHED to the county ~~7~~ **OR A** township, city, ~~or~~ village, **OR AUTHORITY** in which all or the part of the drain ~~or drain project~~ **AND THE AREA THE DRAIN OR PART OF THE DRAIN SERVICES** is wholly located ~~7~~ **OR TO THE BOARD OF COUNTY ROAD COMMISSIONERS OR THE STATE TRANSPORTATION DEPARTMENT** if ~~the~~ **ALL OR PART OF THE DRAIN AND THE AREA THE DRAIN OR PART OF THE DRAIN SERVICES IS WITHIN THE PUBLIC RIGHT-OF-WAY. THE** county, township, city, ~~or~~ village, ~~requests or consents~~ **AUTHORITY, BOARD OF COUNTY ROAD COMMISSIONERS, OR DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT, AS APPLICABLE, MUST REQUEST OR CONSENT** to the relinquishment of jurisdiction and control by resolution ~~duly adopted by~~ **OF** its governing body. Indebtedness or contract liability of any drainage district ~~which~~ **THAT** will be paid in full ~~at the time of consummation of relinquishment of~~ **WHEN** jurisdiction and control ~~shall not be deemed~~ **IS RELINQUISHED IS NOT CONSIDERED** to be outstanding. If relinquishment of jurisdiction and control is to a county, the resolution of the governing body of the county

1 shall specify the county agency, such as board of public works,
 2 ~~drain commissioner, board of county road commissioners, DEPARTMENT,~~
 3 or parks and recreation commission, ~~which~~ **THAT** shall be thereafter
 4 responsible for exercise of ~~such~~ jurisdiction and control.

5 **(4) Any moneys IF JURISDICTION AND CONTROL IS RELINQUISHED**
 6 **OVER ALL OF A DRAIN, ANY MONEY** in the drain fund of ~~any~~ **THE** drain ,
 7 ~~ever all or any part of which jurisdiction and control is~~
 8 ~~relinquished,~~ shall be used to pay any indebtedness or contract
 9 liability of its drainage district, and the balance shall be turned
 10 over to the county, township, city, or village, **BOARD OF COUNTY**
 11 **ROAD COMMISSIONERS, OR AUTHORITY OR TO THE STATE TRANSPORTATION**
 12 **DEPARTMENT** to be used solely with respect to the drain , ~~all or~~
 13 ~~part thereof,~~ over which jurisdiction and control is assumed.

14 **(5)** If the relinquishment of jurisdiction and control ~~and the~~
 15 ~~turnover of drain fund~~ relates to a part of a drain or drain
 16 project, ~~such~~ **THE** relinquishment and turnover ~~shall~~ **DOES** not become
 17 effective until consented to by resolution of the governing body of
 18 each public corporation ~~which~~ **THAT** has paid a part of the cost of
 19 the drain or drain project. , ~~and for this purpose the board of~~
 20 ~~county road commissioners and the state highway commission shall be~~
 21 ~~deemed to be the governing body for the county and the state.~~

22 Sec. 530. **(1)** The drainage board for each project shall
 23 continue in existence with ~~such~~ changes in personnel ~~as shall~~ **THAT**
 24 result from changes in the offices of director of **THE DEPARTMENT OF**
 25 agriculture **AND RURAL DEVELOPMENT** and drain commissioners. ~~It shall~~
 26 ~~be~~ **THE DRAINAGE BOARD IS** responsible for the operation and
 27 maintenance of the drain.

(2) Any necessary expenses incurred in administration and in the operation and maintenance of the drain and not covered by contract shall be paid by the several public corporations assessed for the cost of the drain. The assessments shall be in the same proportion as the cost of the drain was assessed unless the drainage board establishes a different proportion for the assessments after notice and hearing as provided in section 521.

(3) The drainage board, by resolution, ~~duly adopted by it,~~ may relinquish jurisdiction and control over ~~any~~ **ALL OR** part of a drain ~~or drain project at any time when~~ **IF** there is no outstanding indebtedness or contract liability of its drainage district. ~~7~~

JURISDICTION AND CONTROL MAY BE RELINQUISHED to ~~the~~ **A** county, township, city, ~~or~~ village, **OR AUTHORITY** in which **ALL OF** the part of the drain ~~or drain project~~ **AND THE AREA THE DRAIN OR PART OF THE DRAIN SERVICES** is wholly located, ~~if the~~ **OR TO THE BOARD OF COUNTY ROAD COMMISSIONERS OR THE STATE TRANSPORTATION DEPARTMENT IF ALL OR PART OF THE DRAIN AND THE AREA THE DRAIN OR PART OF THE DRAIN SERVICES IS WITHIN THE PUBLIC RIGHT-OF-WAY. THE** county, township, city, ~~or~~ village, ~~requests or consents~~ **AUTHORITY, BOARD OF COUNTY ROAD COMMISSIONERS, OR DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT, AS APPLICABLE, MUST REQUEST OR CONSENT** to the relinquishment of jurisdiction and control by resolution ~~duly adopted by~~ **OF** its governing body. Indebtedness or contract liability of any drainage district ~~which~~ **THAT** will be paid in full ~~at the time of consummation of relinquishment of~~ **WHEN** jurisdiction and control ~~shall not be deemed~~ **IS RELINQUISHED IS NOT CONSIDERED** to be outstanding. If relinquishment of jurisdiction and control is

1 to a county, the resolution of the governing body of the county
 2 shall specify the county agency, such as board of public works,
 3 ~~drain commissioner, board of county road commissioners, DEPARTMENT,~~
 4 or parks and recreation commission, ~~which shall be~~ **THAT WILL**
 5 thereafter **BE** responsible for exercise of ~~such~~ jurisdiction and
 6 control.

7 **(4) Any moneys IF JURISDICTION AND CONTROL IS RELINQUISHED**
 8 **OVER ALL OF A DRAIN, MONEY** in the drain fund of ~~any~~ **THE** drain, ~~over any part of which jurisdiction and control is relinquished,~~
 9 shall be used to pay any indebtedness or contract liability of its
 10 drainage district, and the balance shall be turned over to the
 11 county, township, city, ~~or~~ village, **AUTHORITY, BOARD OF COUNTY ROAD**
 12 **COMMISSIONERS, OR STATE TRANSPORTATION DEPARTMENT** to be used solely
 13 with respect to the drain, ~~all or part thereof,~~ over which
 14 jurisdiction and control is assumed.

16 **(5)** If the relinquishment of jurisdiction and control ~~and the~~
 17 ~~turnover of drain fund~~ relates to a part of a drain or drain
 18 project, ~~such~~ **THE** relinquishment and turnover shall **DOES** not become
 19 effective until consented to by resolution of the governing body of
 20 each public corporation ~~which~~ **THAT** has paid a part of the cost of
 21 the drain or drain project. ~~and for this purpose the board of~~
 22 ~~county road commissioners and the state highway commission shall be~~
 23 ~~deemed to be the governing body for the county and the state.~~

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