

Act No. 645
Public Acts of 2018
Approved by the Governor
December 28, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Victory

ENROLLED HOUSE BILL No. 6375

AN ACT to amend 1956 PA 40, entitled "An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties," by amending sections 395, 478, and 530 (MCL 280.395, 280.478, and 280.530).

The People of the State of Michigan enact:

Sec. 395. (1) The county drain commissioner or the intercounty drainage board may relinquish to a county, township, city, village, authority, or board of county road commissioners or to the state transportation department jurisdiction and control of all or part of any county or intercounty drain if all of the following requirements are met:

(a) The drainage district has no outstanding indebtedness or contract liability. Indebtedness or contract liability that will be paid in full when jurisdiction and control is relinquished is not considered to be outstanding.

(b) The drain or part of the drain to be relinquished and the area the drain or part of the drain services is wholly located within the boundaries of the county, township, city, village, or authority or within the public right-of-way of the board of county road commissioners or the state transportation department that is to accept jurisdiction and control of the drain or part of the drain.

(c) The relinquishment is approved by both of the following:

(i) A majority of the members of the county board of commissioners for a county drain or of the drainage board for an intercounty drain.

(ii) The governing body of the county, township, city, village, or authority, the board of county road commissioners, or the director of the state transportation department, that is to accept jurisdiction and control of the drain or part of the drain. If relinquishment of jurisdiction and control is to a county, the resolution of the governing body of the county shall specify the county agency, such as board of public works, road department, or parks and recreation commission, that shall be thereafter responsible for the exercise of jurisdiction and control.

(2) Upon relinquishment of all or part of a drain under subsection (1), the following apply:

(a) The county drain commissioner or drainage board is relieved of, and the county, township, city, village, board of county road commissioners, or authority or the state transportation department shall assume, the maintenance, jurisdiction,

control, and operation of the drain or part of the drain relinquished and its future operation shall be financed in the same manner as is provided for special assessment districts within the county, township, city, or village or as otherwise provided by law.

(b) If jurisdiction and control is relinquished over all of a drain, any money in the drain fund of the drain shall be turned over to the county, township, city, village, authority, or board of county road commissioners or to the state transportation department that accepted jurisdiction and control, to be used solely with respect to that drain.

Sec. 478. (1) The drainage board for each project shall continue in existence with changes in personnel that result from changes in the officers constituting the board membership. The drainage board is responsible for the operation and 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 469.

(3) The drainage board, by resolution, may relinquish jurisdiction and control over all or part of a drain if there is no outstanding indebtedness or contract liability of its drainage district. Jurisdiction and control may be relinquished to the county or a township, city, village, or authority in which all or the part of the drain and the area the drain or part of the drain services is wholly located 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, village, 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 of its governing body. Indebtedness or contract liability of any drainage district that will be paid in full when jurisdiction and control 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 shall specify the county agency, such as board of public works, road department, or parks and recreation commission, that shall be thereafter responsible for exercise of jurisdiction and control.

(4) If jurisdiction and control is relinquished over all of a drain, any money in the drain fund of the drain shall be used to pay any indebtedness or contract liability of its drainage district, and the balance shall be turned over to the county, township, city, or village, board of county road commissioners, or authority or to the state transportation department to be used solely with respect to the drain over which jurisdiction and control is assumed.

(5) If the relinquishment of jurisdiction and control relates to a part of a drain or drain project, the relinquishment and turnover does not become effective until consented to by resolution of the governing body of each public corporation that has paid a part of the cost of the drain or drain project.

Sec. 530. (1) The drainage board for each project shall continue in existence with changes in personnel that result from changes in the offices of director of the department of agriculture and rural development and drain commissioners. The drainage board is responsible for the operation and 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, may relinquish jurisdiction and control over all or part of a drain if there is no outstanding indebtedness or contract liability of its drainage district. Jurisdiction and control may be relinquished to a county, township, city, village, or authority in which all of the part of the drain and the area the drain or part of the drain services is wholly located 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, village, 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 of its governing body. Indebtedness or contract liability of any drainage district that will be paid in full when jurisdiction and control 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 shall specify the county agency, such as board of public works, road department, or parks and recreation commission, that will thereafter be responsible for exercise of jurisdiction and control.

(4) If jurisdiction and control is relinquished over all of a drain, money in the drain fund of the drain shall be used to pay any indebtedness or contract liability of its drainage district, and the balance shall be turned over to the county, township, city, village, authority, board of county road commissioners, or state transportation department to be used solely with respect to the drain over which jurisdiction and control is assumed.

(5) If the relinquishment of jurisdiction and control relates to a part of a drain or drain project, the relinquishment and turnover does not become effective until consented to by resolution of the governing body of each public corporation that has paid a part of the cost of the drain or drain project.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor