

# HOUSE BILL No. 4505

March 22, 1989, Introduced by Reps. Gnodtke, Hickner, Hart, Niederstadt, Stabenow, Stacey, Middaugh, Allen, Fitzgerald, Randall, Giese, Bender, Muxlow, Owinga, London, Camp, Munsell, DeLange, Nye, Walberg and Miller and referred to the Committee on Agriculture.

A bill to amend sections 4, 21, 196, 283, 464, 497, 499, 547, and 547a of Act No. 40 of the Public Acts of 1956, entitled as amended

"The drain code of 1956,"

section 196 as amended by Act No. 523 of the Public Acts of 1982, section 497 as amended and section 499 as added by Act No. 165 of the Public Acts of 1984, and section 547 as amended and section 547a as added by Act No. 34 of the Public Acts of 1988, being sections 280.4, 280.21, 280.196, 280.283, 280.464, 280.497, 280.499, 280.547, and 280.547a of the Michigan Compiled Laws; and to add section 21a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1. Section 1. Sections 4, 21, 196, 283, 464, 497, 499, 547, 2 and 547a of Act No. 40 of the Public Acts of 1956, section 196 as 3 amended by Act No. 523 of the Public Acts of 1982, section 497 as

1 amended and section 499 as added by Act No. 165 of the Public  
2 Acts of 1984, and section 547 as amended and section 547a as  
3 added by Act No. 34 of the Public Acts of 1988, being sections  
4 280.4, 280.21, 280.196, 280.283, 280.464, 280.497, 280.499,  
5 280.547, and 280.547a of the Michigan Compiled Laws, are amended  
6 and section 21a is added to read as follows:

7       Sec. 4. ~~Whenever the word "commissioner" is~~ AS used in  
8 this act: ~~it is intended and shall refer to the county drain~~  
9 ~~commissioner.~~

10       (A) "COMMISSIONER" MEANS THE COUNTY DRAIN COMMISSIONER.

11       (B) "COUNTY DRAIN COMMISSIONER" MEANS THE ELECTED COUNTY  
12 DRAIN COMMISSIONER OR THE PERSON OR PERSONS DESIGNATED TO PERFORM  
13 THE DUTIES OF THE DRAIN COMMISSIONER AS PROVIDED IN SECTIONS 21  
14 AND 21A.

15       Sec. 21. (1) At the general election to be held in  
16 November, 1976, and each fourth year ~~thereafter~~ AFTER NOVEMBER,  
17 1976, a county drain commissioner shall be elected in each county  
18 having a drain commissioner by the qualified electors of the  
19 county. The term of office of the commissioner shall begin on  
20 THE January 1 ~~next~~ following the drain commissioner's election  
21 and continue for a period of 4 years ~~thereafter~~ and until his  
22 or her successor is elected and qualified, whichever occurs  
23 earlier.

24       (2) As determined by the county board of commissioners, the  
25 county drain commissioner shall be covered by a blanket bond or  
26 before entering upon the duties of office, shall execute and file  
27 with the county clerk a bond to the people of the state in the

1 penal sum of \$5,000.00, issued by a surety company licensed to do  
2 business in this state, conditioned upon the faithful discharge  
3 of the duties of the office. The county board of commissioners  
4 may fix the individual bond to be required of the commissioner at  
5 a different amount if, in its judgment, that is desirable.

6 (3) The county board of commissioners of a county having a  
7 population of less than 12,000, by resolution of a 2/3 vote of  
8 the members elect, may abolish the office of county drain commis-  
9 sioner and transfer the powers and duties of the office to the  
10 board of county road commissioners.

11 (4) ~~(3)~~ If a county establishes a department of public  
12 works pursuant to ~~act~~ ACT No. 185 of the Public Acts of 1957,  
13 as amended, being sections 123.731 to 123.786 of the Michigan  
14 Compiled Laws, or a public improvement agency with the drain com-  
15 missioner designated as the county agent pursuant to THE COUNTY  
16 PUBLIC IMPROVEMENT ACT OF 1939, Act No. 342 of the Public Acts of  
17 1939, as amended, being sections 46.171 to 46.188 of the Michigan  
18 Compiled Laws, the county board of commissioners, by resolution  
19 of a 2/3 vote of the members elected and serving, may combine the  
20 powers, duties, and functions set forth in Act No. 185 of the  
21 Public Acts of 1957, as amended, Act No. 342 of the Public Acts  
22 of 1939, as amended, and this act into 1 county department headed  
23 by ~~the~~ A public works ~~commissioners~~ COMMISSIONER. The public  
24 works commissioner shall be elected in the same manner and for  
25 the same term as a drain commissioner and shall carry out the  
26 powers and duties of a drain commissioner.

1           (5) ~~(4)~~ A resolution provided for in subsection ~~(3)~~ (4)  
2 may not be adopted unless the county board of commissioners has  
3 first held at least 1 generally publicized public hearing on the  
4 resolution.

5           (6) ~~(5)~~ Not less than 3 years after a county establishes  
6 the office of public works commissioner pursuant to subsections  
7 ~~(3) and (4)~~ (4) AND (5), or a public improvement agency, the  
8 county board of commissioners, by resolution approved by a 2/3  
9 vote of the members elected and serving, may abolish the office  
10 of public works commissioner not less than 6 months before the  
11 next primary election for that office. The office of public  
12 works commissioner shall be abolished in the county effective 180  
13 days after a resolution is adopted pursuant to this subsection.  
14 The office shall then be referred to as the drain commissioner  
15 and the person in office at the time a resolution of abolishment  
16 is passed shall fulfill the remainder of the term of office until  
17 the next general election.

18           (7) A COUNTY THAT IS ORGANIZED UNDER ACT NO. 293 OF THE  
19 PUBLIC ACTS OF 1966, BEING SECTIONS 45.501 TO 45.521 OF THE  
20 MICHIGAN COMPILED LAWS, WHOSE CHARTER PRESCRIBES AN ELECTED  
21 COUNTY EXECUTIVE, AND WHICH COUNTY HAS A POPULATION OF MORE THAN  
22 2,000,000 AT THE TIME THE CHARTER IS ADOPTED, SHALL BE GOVERNED  
23 BY SECTION 21A IN PLACE OF THIS SECTION.

24           SEC. 21A. IN A COUNTY ORGANIZED UNDER A CHARTER ADOPTED  
25 UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1966, BEING SECTIONS  
26 45.501 TO 45.521 OF THE MICHIGAN COMPILED LAWS, WHOSE CHARTER  
27 PRESCRIBES AN ELECTED COUNTY EXECUTIVE, AND WHICH COUNTY HAS A

1 POPULATION OF MORE THAN 2,000,000 AT THE TIME THE CHARTER IS  
2 ADOPTED, THE POWERS AND DUTIES OF THE DRAIN COMMISSIONER, UNDER  
3 THIS ACT, SHALL BE PERFORMED BY A PERSON DESIGNATED IN ACCORDANCE  
4 WITH THE COUNTY'S CHARTER.

5       Sec. 196. (1) An annual inspection may be made of all  
6 drains laid out and constructed under this act. Inspection shall  
7 also be made upon the request of the governing body of a public  
8 corporation, as defined in section 461, served in whole or in  
9 part by the drain to be inspected. ~~In the case of~~ FOR county  
10 drains, the inspection shall be made by the drain commissioner,  
11 or a competent person appointed by the drain commissioner. ~~In~~  
12 ~~the case of~~ FOR intercounty drains, the inspection shall be  
13 caused to be made by the drainage board. ~~When inspections~~  
14 ~~disclose~~

15       (2) SURPLUS CONSTRUCTION FUNDS REMAINING AFTER COMPLETION OF  
16 CONSTRUCTION OF A DRAIN, OR FUNDS REMAINING AFTER COMPLETION OF  
17 WORK PERFORMED UNDER A PETITION FOR MAINTENANCE OR IMPROVEMENTS  
18 UNDER THIS CHAPTER, MAY BE DEPOSITED IN THE DRAIN FUND OF A  
19 DRAINAGE DISTRICT AND MAY BE EXPENDED FOR INSPECTION, REPAIR, AND  
20 MAINTENANCE OF THE DRAIN.

21       (3) IF AT ANY TIME THE DRAIN FUND OF A DRAINAGE DISTRICT  
22 CONTAINS LESS THAN \$3,000.00 PER MILE OF DRAIN OR FRACTION OF A  
23 MILE, THE DRAIN COMMISSIONER OR DRAINAGE BOARD MAY ASSESS THE  
24 DRAINAGE DISTRICT FOR AN AMOUNT NOT TO EXCEED \$1,500.00 A MILE OR  
25 FRACTION OF A MILE IN ANY 1 YEAR. THE AMOUNT COLLECTED UNDER AN  
26 ASSESSMENT SHALL BE DEPOSITED IN THE DRAIN FUND OF A DRAINAGE

1 DISTRICT FOR NECESSARY INSPECTION, REPAIR, AND MAINTENANCE OF THE  
2 DRAIN.

3 (4) IF AN INSPECTION DISCLOSES the necessity of expending  
4 money for the maintenance and repair of a drain in order to keep  
5 it in working order, the drain commissioner ~~, in the case of~~  
6 FOR a county drain, or the drainage board ~~, in the case of~~ FOR  
7 an intercounty drain, may without petition expend an amount not  
8 to exceed in any 1 year ~~\$800.00~~ \$3,000.00 per mile or fraction  
9 ~~thereof or 2% of the original cost of the drain and 2% of exten-~~  
10 ~~sions thereof~~ OF A MILE for maintenance and repair of a drain.  
11 ~~When it is found necessary by~~

12 (5) IF the drain commissioner or the drainage board FINDS IT  
13 NECESSARY to expend funds in excess of ~~\$800.00~~ \$3,000.00 per  
14 mile or fraction ~~thereof or 2% of the original cost of the drain~~  
15 ~~and 2% of extensions thereof~~ OF A MILE in any 1 year for THE  
16 maintenance and repair of a drain, the additional amounts shall  
17 not be expended until approved by resolution of the governing  
18 body of each township, city, and village affected by more than  
19 20% of the cost.

20 (6) ~~(2)~~ If the DRAIN fund ~~belonging to the drain is not~~  
21 OF A DRAINAGE DISTRICT DOES NOT CONTAIN sufficient FUNDS to pay  
22 for ~~work~~ INSPECTION, REPAIR, AND MAINTENANCE authorized by this  
23 section, the drain commissioner or the drainage board shall reas-  
24 sess the drainage district ~~therefor~~ FOR THE INSPECTION, REPAIR,  
25 AND MAINTENANCE according to benefits received. ~~, which~~ A  
26 reassessment shall be made and spread upon the city or township  
27 tax assessment roll within 2 years ~~from~~ AFTER the completion of

1 the inspection, REPAIR, AND MAINTENANCE. IF THE TOTAL  
2 EXPENDITURE IS MORE THAN \$3,000.00 PER MILE OR FRACTION OF A  
3 MILE, ALL REAL PROPERTY OWNERS SUBJECT TO AN ASSESSMENT WITHIN  
4 THE DRAINAGE DISTRICT SHALL BE NOTIFIED OF THE ASSESSMENT BY PUB-  
5 LICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE DRAIN-  
6 AGE DISTRICT AND BY FIRST CLASS MAIL TO THE NAME AND ADDRESS THAT  
7 APPEARS ON THE LAST CITY OR TOWNSHIP ASSESSMENT ROLL. AN AFFIDA-  
8 VIT OF MAILING SHALL BE MADE BY THE DRAIN COMMISSIONER THAT SHALL  
9 BE CONCLUSIVE PROOF THAT THE NOTICES REQUIRED BY THIS SUBSECTION  
10 WERE MAILED. THE FAILURE TO RECEIVE THE NOTICES BY MAIL SHALL  
11 NOT CONSTITUTE A JURISDICTIONAL DEFECT INVALIDATING A DRAIN TAX  
12 IF NOTICE BY PUBLICATION WAS GIVEN AS REQUIRED BY THIS  
13 SUBSECTION. ~~work. If the total expenditure is more than \$800.00~~  
14 ~~per mile or fraction thereof or 2% of the original cost of the~~  
15 ~~drain and 2% of extensions thereof all freeholders subject to~~  
16 ~~assessment shall be notified of the assessment by publication in~~  
17 ~~a newspaper of general circulation within the drainage district~~  
18 ~~and by first class mail to each person whose name and address~~  
19 ~~appears upon the last city or township tax assessment roll as~~  
20 ~~owning land within the drainage district. Freeholders subject to~~  
21 ~~an assessment of less than \$5.00 per parcel of land within the~~  
22 ~~drainage district may be exempt from notification by first class~~  
23 ~~mail. An affidavit of mailing shall be made by the drain commis-~~  
24 ~~sioner or chairperson of the drainage board which shall be con-~~  
25 ~~clusive proof that the notices required by this section were~~  
26 ~~mailed. The failure to receive the notices by mail shall not~~  
27 ~~constitute a jurisdictional defect invalidating a drain~~

1 ~~proceeding or tax, if notice by publication was given as required~~  
 2 ~~by this section. When~~

3 (7) AN ASSESSMENT FOR THE ACTUAL COST OF INSPECTION, REPAIR,  
 4 AND MAINTENANCE PERFORMED ON A DRAIN, OR AN ASSESSMENT TO BE  
 5 DEPOSITED IN THE DRAIN FUND OF A DRAINAGE DISTRICT, SHALL BE MADE  
 6 ACCORDING TO BENEFITS RECEIVED. THE EXPENDITURE LIMIT OF  
 7 \$3,000.00 PER MILE OF DRAIN OR FRACTION OF A MILE SHALL BE USED  
 8 TO CALCULATE THE MAXIMUM AMOUNT THAT THE DRAIN COMMISSIONER OR  
 9 DRAINAGE BOARD MAY ASSESS IN ANY 1 YEAR WITHOUT A PETITION OR A  
 10 REQUEST FROM A PUBLIC CORPORATION. THE PROPERTY IN A DRAINAGE  
 11 DISTRICT THAT BENEFITS FROM THE INSPECTION, REPAIR, OR MAINTENANCE  
 12 OF THE DRAIN IS SUBJECT TO ASSESSMENT FOR THAT INSPECTION,  
 13 REPAIR, OR MAINTENANCE. DETERMINATION OF THE MAXIMUM ASSESSMENT  
 14 AMOUNT ALLOWED WITHOUT PETITION OR REQUEST, OR OF THE PROPERTY  
 15 THAT IS SUBJECT TO ASSESSMENT, SHALL BE BASED ON THE NUMBER OF  
 16 MILES OF DRAIN AND AREAS OF THE DRAINAGE DISTRICT RECEIVING BENE-  
 17 FITS AND NOT ON THE ACTUAL NUMBER OF MILES OR ACTUAL LOCATION OF  
 18 THE INSPECTION, REPAIR, OR MAINTENANCE.

19 (8) IF an emergency condition exists ~~which~~ THAT endangers  
 20 the public health, crops, or property within ~~their respective~~  
 21 ~~districts~~ A DRAINAGE DISTRICT, the drain commissioner or the  
 22 drainage board may expend funds ~~for work contemplated in this~~  
 23 ~~chapter subject to the limitations provided in this section~~ for  
 24 maintenance and repair TO ALLEVIATE THE EMERGENCY CONDITION.

25 (9) ~~(3)~~ Nothing in this section ~~shall prohibit~~ PROHIBITS  
 26 the drain commissioner or the drainage board from spending funds  
 27 in excess of ~~\$800.00~~ \$3,000.00 per mile or fraction ~~thereof or~~



1 ~~2% of the original cost of the drain and 2% of extensions~~  
2 ~~thereof~~ OF A MILE in any 1 year for INSPECTION, maintenance, and  
3 repair of a drain when requested by a public corporation, if the  
4 public corporation pays the entire cost of the INSPECTION,  
5 maintenance, and repair.

6 (10) ~~(4)~~ In computing the amounts ~~which~~ THAT may be  
7 expended in accordance with this section, the cost of work to be  
8 performed by a federal agency or public corporation ~~which~~ THAT  
9 is not chargeable to the county or intercounty drainage district  
10 shall not be included, nor shall it be necessary for the drain  
11 commissioner or the drainage board to advertise for bids for that  
12 portion of the work to be done by the federal agency or public  
13 corporation.

14 (11) ~~(5)~~ For purposes of this section, the costs of main-  
15 tenance or repair shall include the costs of maintaining the  
16 drain in working order to continue a normal flow of water,  
17 including the servicing or repair of necessary pumping equipment  
18 and utility charges ~~therefor~~ FOR PUMPING EQUIPMENT; the cost of  
19 keeping the drain free from rubbish, debris, siltation, or  
20 obstructions; the cost of repairing a portion or all of a tile or  
21 drain to continue the normal flow of water; and other costs asso-  
22 ciated ~~therewith.~~ ~~When~~ WITH THE COSTS ENUMERATED IN THIS  
23 SUBSECTION.

24 (12) IF the cost of maintenance and repair of ~~drains~~ A  
25 DRAIN includes utility charges, the limitation for maintenance  
26 and repair shall not apply except that the drain commissioner or  
27 drainage board may levy sufficient special assessments to pay the

1 utility charges but not more than the amount sufficient to pay  
2 those charges.

3 (13) ~~(6)~~ The salaries, expenses, and fringe benefits of  
4 clerical, administrative, and engineering employees of the drain  
5 commissioner or drainage board working incidental to the opera-  
6 tion, repair, or maintenance of a drain shall be chargeable to  
7 and paid as budgeted from the county general fund and not charge-  
8 able to or by the drain ~~revolving~~ fund OF A DRAINAGE DISTRICT.

9 (14) ~~(7)~~ A violation of this section is a misdemeanor pun-  
10 ishable by imprisonment for not more than 1 year, or by a fine of  
11 not more than \$1,000.00, or both.

12 Sec. 283. (1) The drain commissioner or drainage board  
13 shall use any surplus construction funds remaining in the con-  
14 struction fund after completion of the project for the  
15 INSPECTION, REPAIR, AND maintenance of the drain ~~but not to~~  
16 ~~exceed the cost of maintaining the drain for 1 year~~ AS PROVIDED  
17 IN SECTION 196 or SHALL authorize the transfer of ~~such~~ THE  
18 funds to the bond and interest account, if bonds were issued, in  
19 ~~such~~ THE amounts ~~as they deem~~ THE DRAIN COMMISSIONER OR  
20 DRAINAGE BOARD CONSIDERS proper.

21 (2) The drainage board or drain commissioner shall contract  
22 with ~~any~~ A public corporation ~~, which term as used in this~~  
23 ~~section includes any city, village, township, county or the state~~  
24 ~~whenever they have~~ IF THAT PUBLIC CORPORATION HAS been assessed  
25 for all or part of the cost of the drain or ~~whenever lands in~~  
26 ~~any~~ IF LAND IN A city, village, township, or combination thereof  
27 has been assessed for all or any part of the cost of a drain.

1 The contract shall provide that after all outstanding drain  
2 orders or bonds are paid on a drainage district project, the  
3 drain commissioner or drainage board shall authorize the respec-  
4 tive county treasurers to pay over any portion of the surplus not  
5 needed for more than the cost of ~~1 year's~~ INSPECTION, REPAIR,  
6 AND maintenance of the drain AS PROVIDED IN SECTION 196 to the  
7 county, township, city, or village in which the drain was located  
8 or in which assessments for benefits have been assessed and  
9 collected. The payments shall be on a pro rata basis in direct  
10 proportion to the amounts assessed and collected from each ~~such~~  
11 ~~local unit~~ COUNTY, CITY, VILLAGE, OR TOWNSHIP. The contract  
12 shall also provide that upon receipt of ~~such~~ THE surplus ~~fund~~  
13 FUNDS the county, city, village, or township shall utilize ~~such~~  
14 THOSE surplus funds to alleviate drainage problems in their  
15 respective jurisdictions. ~~Provided, however, Whenever~~

16 (3) IF state highway funds are involved in a project, the  
17 drain commissioner or drainage board, upon completion of a con-  
18 struction project, shall return, on a pro rata basis, surplus  
19 construction funds in excess of ~~1 year's maintenance~~ THE AMOUNT  
20 NECESSARY TO PAY FOR INSPECTION, REPAIR, AND MAINTENANCE OF THE  
21 DRAIN AS PROVIDED IN SECTION 196 to the STATE TRANSPORTATION  
22 department ~~of state highways~~ for the construction, maintenance,  
23 and administration of state highways.

24 (4) AS USED IN THIS SECTION, "PUBLIC CORPORATION" INCLUDES A  
25 CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR THE STATE.

26 Sec. 464. (1) There is created for each project petitioned  
27 for under ~~the provisions of~~ this chapter, a drainage board to

1 consist of the drain commissioner of the county, the ~~chairman~~  
2 CHAIRPERSON of the county board of ~~supervisors~~ COMMISSIONERS,  
3 and the ~~chairman~~ CHAIRPERSON of the board of county auditors.  
4 If there is no board of county auditors in ~~any such~~ THE county,  
5 then the ~~chairman~~ CHAIRPERSON of the finance committee of the  
6 COUNTY board of ~~supervisors~~ COMMISSIONERS shall act as a member  
7 of the drainage board, and if there is neither a board of county  
8 auditors nor finance committee, then the ~~chairman~~ CHAIRPERSON  
9 of the COUNTY board of ~~supervisors~~ COMMISSIONERS shall select  
10 from time to time 1 member of the COUNTY board of ~~supervisors~~  
11 COMMISSIONERS to act as a member of the drainage board. If a  
12 ~~supervisor~~ member of the drainage board WHO IS A COMMISSIONER,  
13 as provided in this section or section 487, is interested in a  
14 project petitioned for under ~~the provisions of~~ this chapter, by  
15 reason of his OR HER holding an elected or appointed office in a  
16 public corporation to be assessed for the cost of the project, he  
17 OR SHE is disqualified to act as a member of the drainage board  
18 with respect to the project. In such case the ~~vice chairman or~~  
19 ~~chairman~~ VICE-CHAIRPERSON OR CHAIRPERSON pro tempore of the  
20 COUNTY board of ~~supervisors~~ COMMISSIONERS or of the finance  
21 committee of the COUNTY board of ~~supervisors~~ COMMISSIONERS, if  
22 not also disqualified, shall act as ~~such~~ THE member. If the  
23 ~~vice chairman or chairman~~ VICE-CHAIRPERSON OR CHAIRPERSON pro  
24 tempore is disqualified, the drain commissioner of the county  
25 shall designate a member of the COUNTY board of ~~supervisors~~  
26 COMMISSIONERS who is not ~~so~~ disqualified to act as a member of  
27 the drainage board for the project. The ~~chairman~~ CHAIRPERSON

1 of the COUNTY board of ~~supervisors~~ COMMISSIONERS and any member  
2 of a COUNTY board of ~~supervisors~~ COMMISSIONERS serving on the  
3 drainage board shall receive ~~such~~ THE compensation, mileage,  
4 and expenses as ~~shall be~~ provided by the drainage board.  
5 ~~except that such~~ HOWEVER, compensation PAID TO A MEMBER shall  
6 not exceed \$25.00 per diem, exclusive of mileage and expenses,  
7 for attendance at drainage board meetings. The county drain com-  
8 missioner shall be ~~chairman~~ CHAIRPERSON of the drainage board.  
9 ~~He~~ THE CHAIRPERSON shall keep minutes of the proceedings of the  
10 drainage board and all records and files of the board shall be  
11 kept in his OR HER office. In counties of less than 500,000 pop-  
12 ulation, the commissioner shall be paid the same compensation as  
13 other members of the drainage board.

14 (2) IN A COUNTY ORGANIZED UNDER A CHARTER ADOPTED UNDER ACT  
15 NO. 293 OF THE PUBLIC ACTS OF 1966, BEING SECTIONS 45.501 TO  
16 45.521 OF THE MICHIGAN COMPILED LAWS, WHOSE CHARTER PRESCRIBES AN  
17 ELECTED COUNTY EXECUTIVE, AND WHICH COUNTY HAS A POPULATION OF  
18 MORE THAN 2,000,000 AT THE TIME THE CHARTER IS ADOPTED, THE  
19 COUNTY EXECUTIVE SHALL PROVIDE FOR A METHOD OF ADMINISTERING  
20 PROJECTS PETITIONED FOR UNDER THIS CHAPTER IN A REORGANIZATION  
21 PLAN. HOWEVER, THE REQUIREMENTS IN THIS CHAPTER FOR SUBSTANTIVE  
22 ACTIONS AND DETERMINATIONS SHALL BE FOLLOWED IN ADMINISTERING  
23 EACH PROJECT AND THE COUNTY EXECUTIVE OR HIS OR HER DESIGNEE  
24 ALONE MAY EXECUTE, BY MANUAL OR FACSIMILE SIGNATURE, BONDS ISSUED  
25 OR OTHER OBLIGATIONS OF THE DRAINAGE DISTRICT INCURRED PURSUANT  
26 TO THIS CHAPTER. PENDING ADOPTION OF A REORGANIZATION PLAN, THE  
27 METHOD OF ADMINISTERING PROJECTS THEN IN EFFECT SHALL CONTINUE.

1       Sec. 497. (1) The drainage board shall use any surplus  
2 construction funds remaining in the construction fund after com-  
3 pletion of the project for the INSPECTION, REPAIR, AND mainte-  
4 nance of the drain ~~but not to exceed the cost of maintaining the~~  
5 ~~drain for + year~~ AS PROVIDED IN SECTION 196 or shall authorize  
6 the transfer of the funds to the bond and interest account, if  
7 bonds were issued, in ~~such~~ THE amounts ~~as~~ the drainage board  
8 considers proper.

9       (2) The drainage board shall contract with any public corpo-  
10 ration ~~, which term as used in this section includes any city,~~  
11 ~~village, township, county, or the state whenever~~ IF that public  
12 corporation has been assessed for all or part of the cost of the  
13 drain or ~~whenever~~ IF land in any city, village, township, or  
14 combination thereof has been assessed for all or any part of the  
15 cost of a drain. The contract shall provide that after all out-  
16 standing drain orders or bonds are paid on a drainage district  
17 project, the drainage board shall authorize the county treasurers  
18 to pay over any portion of the surplus not needed for more than  
19 the cost of ~~+ year's~~ INSPECTION, REPAIR, AND maintenance of the  
20 drain AS PROVIDED IN SECTION 196 to the county, township, city,  
21 or village in which THE drain ~~was~~ IS located or in which  
22 assessments for benefits have been assessed and collected. The  
23 payments shall be on a pro rata basis in direct proportion to the  
24 amounts assessed and collected from each ~~local unit~~ COUNTY,  
25 TOWNSHIP, CITY, OR VILLAGE. The contract shall also provide that  
26 upon receipt of the surplus ~~fund~~ FUNDS the county, city,

1 village, or township shall utilize the surplus funds to alleviate  
2 drainage problems in their respective jurisdictions.

3 (3) If state highway funds are involved in a project, the  
4 drain commissioner or drainage board, upon completion of a con-  
5 struction project and after all outstanding drain orders or bonds  
6 are paid on the project, shall return, on a pro rata basis, sur-  
7 plus construction funds in excess of ~~+-year's maintenance-~~ THE  
8 AMOUNT NECESSARY TO PAY FOR INSPECTION, REPAIR, AND MAINTENANCE  
9 OF THE DRAIN AS PROVIDED IN SECTION 196 to the ~~department of-~~  
10 STATE transportation DEPARTMENT for the construction, mainte-  
11 nance, and administration of state highways.

12 (4) A drainage board may apply section 499 TO SURPLUS CON-  
13 STRUCTION FUNDS in place of this section.

14 (5) AS USED IN THIS SECTION AND SECTION 499, "PUBLIC  
15 CORPORATION" INCLUDES A CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR  
16 THE STATE.

17 Sec. 499. (1) After the construction of a county drain for  
18 which none of the financing is obtained through special assess-  
19 ments under section 490, the drainage board shall provide for an  
20 amount from surplus construction funds sufficient to INSPECT,  
21 REPAIR, AND maintain the drain ~~for a period not to exceed +~~  
22 ~~year-~~ AS PROVIDED IN SECTION 196. After providing for ~~+-year's-~~  
23 INSPECTION, REPAIR, AND maintenance, ~~cost,~~ the drainage board  
24 may apportion the balance of the surplus construction funds to  
25 separate accounts to the credit of the public corporations  
26 against which the cost of the drain is assessed. The funds shall

1 be credited in direct proportion to amounts assessed and  
2 collected from the public corporations.

3 (2) Funds in an account apportioned to the credit of a  
4 public corporation under this section shall be used only for the  
5 following:

6 (a) To pay principal and interest on bonds issued to finance  
7 the drain for which the assessment is imposed.

8 (b) If bonds are not sold, to pay assessments due from the  
9 public corporation.

10 (c) At the request of the public corporation, to alleviate  
11 drainage problems in that public corporation.

12 Sec. 547. (1) The drainage board shall use any surplus con-  
13 struction funds remaining in the construction fund after comple-  
14 tion of the project for the INSPECTION, REPAIR, AND maintenance  
15 of the drain ~~but not to exceed the cost of maintaining the drain~~  
16 ~~for 1 year~~ AS PROVIDED IN SECTION 196 or shall authorize the  
17 transfer of the funds to the bond and interest account, if bonds  
18 were issued, in ~~such~~ THE amounts ~~as~~ the drainage board con-  
19 siders proper.

20 (2) The drainage board shall contract with ~~any~~ A public  
21 corporation ~~whenever~~ IF that public corporation has been  
22 assessed for all or part of the cost of the drain or ~~whenever~~  
23 IF land in ~~any~~ A city, village, township, or combination  
24 thereof has been assessed for all or any part of the cost of a  
25 drain. The contract shall provide that after all outstanding  
26 drain orders or bonds are paid on a drainage district project,  
27 the drainage board shall authorize the county treasurers to pay



1 over any portion of the surplus not needed for more than the cost  
2 of ~~+-year's-~~ INSPECTION, REPAIR AND maintenance of the drain AS  
3 PROVIDED IN SECTION 196 to the county, township, city, or village  
4 in which the drain was located or in which assessments for bene-  
5 fits have been assessed and collected. The payments shall be on  
6 a pro rata basis in direct proportion to the amounts assessed and  
7 collected from each ~~-such-~~ county, township, city, or village.  
8 The contract shall also provide that upon receipt of the surplus  
9 ~~-fund-~~ FUNDS the county, city, village, or township shall utilize  
10 the surplus funds to alleviate drainage problems in their respec-  
11 tive jurisdictions.

12 (3) If state highway funds are involved in a project, the  
13 drain commissioner or the drainage board, upon completion of a  
14 construction project, and after all outstanding drain orders or  
15 bonds are paid on the project shall return, on a pro rata basis,  
16 surplus construction funds in excess of ~~+-year's maintenance-~~  
17 THE AMOUNT NECESSARY TO PAY FOR INSPECTION, REPAIR, AND MAINTENANCE  
18 OF THE DRAIN AS PROVIDED IN SECTION 196 to the state trans-  
19 portation department for the construction, maintenance, and  
20 administration of state highways.

21 (4) A drainage board may apply section 547a TO SURPLUS CON-  
22 STRUCTION FUNDS in place of this section.

23 (5) As used in this section and section 547a, "public  
24 corporation" includes ~~-any-~~ A city, village, township, OR county,  
25 or the state.

26 Sec. 547a. (1) After the construction of a county drain for  
27 which none of the financing is obtained through special

1 assessments under section 539, the drainage board shall provide  
2 for an amount from surplus construction funds sufficient to  
3 INSPECT, REPAIR, AND maintain the drain ~~for a period not to~~  
4 ~~exceed + year~~ AS PROVIDED IN SECTION 196. After providing for  
5 ~~+ year's~~ INSPECTION, REPAIR, AND maintenance, ~~cost,~~ the  
6 drainage board may apportion the balance of the surplus construc-  
7 tion funds to separate accounts to the credit of the public cor-  
8 porations against which the cost of the drain is assessed. The  
9 funds shall be credited in direct proportion to amounts assessed  
10 and collected from the public corporations.

11 (2) Funds in an account apportioned to the credit of a  
12 public corporation under this section shall be used only for the  
13 following:

14 (a) To pay principal and interest on bonds issued to finance  
15 the drain for which the assessment is imposed.

16 (b) If bonds are not sold, to pay assessments due from the  
17 public corporation.

18 (c) At the request of the public corporation, to alleviate  
19 drainage problems in that public corporation.