

HOUSE BILL No. 4727

April 27, 1989, Introduced by Reps. Kosteva and Gnodtke 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 OR PERSONS DESIGNATED IN
4 ACCORDANCE 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 AN INSPECTION DISCLOSES the necessity of expending
22 money for the maintenance and repair of a drain in order to keep
23 it in working order, the drain commissioner ~~, in the case of~~
24 FOR a county drain, or the drainage board ~~, in the case of~~ FOR
25 an intercounty drain, may without petition expend an amount, not
26 to exceed in any 1 year \$800.00 per mile or fraction ~~thereof~~ OF
27 A MILE or 2% of the SUM OF THE original cost of the drain and

1 ~~2%~~ THE COST of extensions ~~thereof~~ OF THE DRAIN, for
 2 maintenance and repair of a drain. ~~When it is found necessary~~
 3 ~~by~~

4 (4) IF the drain commissioner or the drainage board FINDS IT
 5 NECESSARY to expend funds in excess of \$800.00 per mile or frac-
 6 tion ~~thereof~~ OF A MILE or 2% of the SUM OF THE original cost of
 7 the drain and ~~2%~~ THE COST of extensions ~~thereof~~ OF THE DRAIN
 8 in any 1 year for THE maintenance and repair of a drain, the
 9 additional amounts shall not be expended until approved by reso-
 10 lution of the governing body of each township, city, and village
 11 affected by more than 20% of the cost.

12 (5) ~~(2)~~ If the DRAIN fund ~~belonging to the drain is not~~
 13 OF A DRAINAGE DISTRICT DOES NOT CONTAIN sufficient FUNDS to pay
 14 for ~~work~~ INSPECTION, REPAIR, AND MAINTENANCE authorized by this
 15 section, the drain commissioner or the drainage board shall reas-
 16 sess the drainage district ~~therefor~~ FOR THE INSPECTION, REPAIR,
 17 AND MAINTENANCE according to benefits received. ~~, which~~ A
 18 reassessment shall be made and spread upon the city or township
 19 tax assessment roll within 2 years ~~from~~ AFTER the completion of
 20 the inspection, ~~work~~ REPAIR, AND MAINTENANCE. If the total
 21 expenditure is more than \$800.00 per mile or fraction ~~thereof~~
 22 OF A MILE or 2% of the SUM OF THE original cost of the drain and
 23 ~~2% of~~ extensions ~~thereof all~~ OF THE DRAIN, freeholders
 24 subject to assessment shall be notified of the assessment by pub-
 25 lication in a newspaper of general circulation within the drain-
 26 age district and by first class mail to each person whose name
 27 and address appears upon the last city or township tax assessment

1 roll as owning land within the drainage district. Freeholders
 2 subject to an assessment of less than \$5.00 per parcel of land
 3 within the drainage district may be exempt from notification by
 4 first class mail. An affidavit of mailing shall be made by the
 5 drain commissioner or chairperson of the drainage board ~~which~~
 6 ~~shall be~~ AND IS conclusive proof that the notices required by
 7 this section were mailed. The failure to receive the notices by
 8 mail ~~shall~~ DOES not constitute a jurisdictional defect invali-
 9 dating a drain proceeding or tax, if notice by publication was
 10 given as required by this section. ~~When~~

11 (6) IF an emergency condition exists ~~which~~ THAT endangers
 12 the public health, crops, or property within ~~their respective~~
 13 ~~districts~~ A DRAINAGE DISTRICT, the drain commissioner or the
 14 drainage board may expend funds ~~for work contemplated in this~~
 15 ~~chapter subject to the limitations provided in this section~~ for
 16 maintenance and repair TO ALLEVIATE THE EMERGENCY CONDITION.

17 (7) ~~(3)~~ Nothing in this section ~~shall prohibit~~ PROHIBITS
 18 the drain commissioner or the drainage board from spending funds
 19 in excess of \$800.00 per mile or fraction ~~thereof~~ OF A MILE or
 20 2% of the SUM OF THE original cost of the drain and ~~2%~~ THE COST
 21 of extensions ~~thereof~~ OF THE DRAIN in any 1 year for
 22 INSPECTION, maintenance, and repair of a drain when requested by
 23 a public corporation, if the public corporation pays the entire
 24 cost of the INSPECTION, maintenance, and repair.

25 (8) ~~(4)~~ In computing the amounts ~~which~~ THAT may be
 26 expended in accordance with this section, the cost of work to be
 27 performed by a federal agency or public corporation ~~which~~ THAT

1 is not chargeable to the county or intercounty drainage district
2 shall not be included, nor shall it be necessary for the drain
3 commissioner or the drainage board to advertise for bids for that
4 portion of the work to be done by the federal agency or public
5 corporation.

6 (9) ~~(5)~~ For purposes of this section, the costs of mainte-
7 nance or repair shall include the costs of maintaining the drain
8 in working order to continue a normal flow of water, including
9 the servicing or repair of necessary pumping equipment and util-
10 ity charges ~~therefor~~ FOR PUMPING EQUIPMENT; the cost of keeping
11 the drain free from rubbish, debris, siltation, or obstructions;
12 the cost of repairing a portion or all of a tile or drain to con-
13 tinue the normal flow of water; and other costs associated
14 ~~therewith. When~~ WITH THE COSTS ENUMERATED IN THIS SUBSECTION.

15 (10) IF the cost of maintenance and repair of ~~drains~~ A
16 DRAIN includes utility charges OR COSTS TO SERVICE PUMPING STA-
17 TIONS, SEWAGE TREATMENT FACILITIES, OR RETENTION BASINS, the lim-
18 itation for maintenance and repair shall not apply except that
19 the drain commissioner or drainage board may levy sufficient spe-
20 cial assessments to pay the ~~utility~~ charges OR COSTS but not
21 more than the amount sufficient to pay those charges OR COSTS.

22 (11) ~~(6)~~ The salaries, expenses, and fringe benefits of
23 clerical, administrative, and engineering employees of the drain
24 commissioner or drainage board working incidental to the opera-
25 tion, repair, or maintenance of a drain shall be chargeable to
26 and paid as budgeted from the county general fund and not

1 chargeable to or by the drain ~~revolving~~ fund OF A DRAINAGE
2 DISTRICT.

3 (12) ~~(7)~~ A violation of this section is a misdemeanor pun-
4 ishable by imprisonment for not more than 1 year, or by a fine of
5 not more than \$1,000.00, or both.

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

15 (2) The drainage board or drain commissioner shall contract
16 with ~~any~~ A public corporation ~~, which term as used in this~~
17 ~~section includes any city, village, township, county or the state~~
18 ~~whenever they have~~ IF THAT PUBLIC CORPORATION HAS been assessed
19 for all or part of the cost of the drain or ~~whenever lands in~~
20 ~~any~~ IF LAND IN A city, village, township, or combination thereof
21 has been assessed for all or any part of the cost of a drain.
22 The contract shall provide that after all outstanding drain
23 orders or bonds are paid on a drainage district project, the
24 drain commissioner or drainage board shall authorize the respec-
25 tive county treasurers to pay over any portion of the surplus not
26 needed for more than the cost of ~~1 year's~~ INSPECTION, REPAIR,
27 AND maintenance of the drain AS PROVIDED IN SECTION 196 to the

1 county, township, city, or village in which the drain was located
 2 or in which assessments for benefits have been assessed and
 3 collected. The payments shall be on a pro rata basis in direct
 4 proportion to the amounts assessed and collected from each ~~such~~
 5 ~~local unit~~ COUNTY, CITY, VILLAGE, OR TOWNSHIP. The contract
 6 shall also provide that upon receipt of ~~such~~ THE surplus ~~fund~~
 7 FUNDS the county, city, village, or township shall utilize ~~such~~
 8 THOSE surplus funds to alleviate drainage problems in their
 9 respective jurisdictions. ~~Provided, however, Whenever~~

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

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

20 Sec. 464. (1) There is created for each project petitioned
 21 for under ~~the provisions of~~ this chapter, a drainage board ~~to~~
 22 THAT, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), SHALL con-
 23 sist of the drain commissioner of the county, the ~~chairman~~
 24 CHAIRPERSON of the county board of ~~supervisors~~ COMMISSIONERS,
 25 and the ~~chairman~~ CHAIRPERSON of the board of county auditors.
 26 If there is no board of county auditors in ~~any such~~ THE county,
 27 then the ~~chairman~~ CHAIRPERSON of the finance committee of the

1 COUNTY board of ~~supervisors~~ COMMISSIONERS shall act as a member
2 of the drainage board, and if there is neither a board of county
3 auditors nor finance committee, then the ~~chairman~~ CHAIRPERSON
4 of the COUNTY board of ~~supervisors~~ COMMISSIONERS shall select
5 from time to time 1 member of the COUNTY board of ~~supervisors~~
6 COMMISSIONERS to act as a member of the drainage board. If a
7 ~~supervisor~~ member of the drainage board WHO IS A COMMISSIONER,
8 as provided in this section or section 487, is interested in a
9 project petitioned for under ~~the provisions of~~ this chapter, by
10 reason of his OR HER holding an elected or appointed office in a
11 public corporation to be assessed for the cost of the project, he
12 OR SHE is disqualified to act as a member of the drainage board
13 with respect to the project. In such case the ~~vice chairman or~~
14 ~~chairman~~ VICE-CHAIRPERSON OR CHAIRPERSON pro tempore of the
15 COUNTY board of ~~supervisors~~ COMMISSIONERS or of the finance
16 committee of the COUNTY board of ~~supervisors~~ COMMISSIONERS, if
17 not also disqualified, shall act as ~~such~~ THE member. If the
18 ~~vice chairman or chairman~~ VICE-CHAIRPERSON OR CHAIRPERSON pro
19 tempore is disqualified, the drain commissioner of the county
20 shall designate a member of the COUNTY board of ~~supervisors~~
21 COMMISSIONERS who is not ~~so~~ disqualified to act as a member of
22 the drainage board for the project. The ~~chairman~~ CHAIRPERSON
23 of the COUNTY board of ~~supervisors~~ COMMISSIONERS and any member
24 of a COUNTY board of ~~supervisors~~ COMMISSIONERS serving on the
25 drainage board shall receive ~~such~~ THE compensation, mileage,
26 and expenses as ~~shall be~~ provided by the drainage board.
27 ~~except that such~~ HOWEVER, compensation PAID TO A MEMBER shall

1 not exceed \$25.00 per diem, exclusive of mileage and expenses,
2 for attendance at drainage board meetings. The county drain com-
3 missioner shall be ~~chairman~~ CHAIRPERSON of the drainage board.
4 ~~He~~ THE CHAIRPERSON shall keep minutes of the proceedings of the
5 drainage board and all records and files of the board shall be
6 kept in his OR HER office. In counties of less than 500,000 pop-
7 ulation, the commissioner shall be paid the same compensation as
8 other members of the drainage board.

9 (2) IN A COUNTY ORGANIZED UNDER A CHARTER ADOPTED UNDER ACT
10 NO. 293 OF THE PUBLIC ACTS OF 1966, BEING SECTIONS 45.501 TO
11 45.521 OF THE MICHIGAN COMPILED LAWS, THAT HAS A POPULATION OF
12 MORE THAN 2,000,000 AT THE TIME THE CHARTER IS ADOPTED AND WHOSE
13 CHARTER PRESCRIBES AN ELECTED COUNTY EXECUTIVE, THE DRAINAGE
14 BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

15 (A) THE PERSON DESIGNATED BY THE CHARTER TO CARRY OUT THE
16 ADMINISTRATIVE DUTIES OF THE DRAIN COMMISSIONER OR THAT PERSON'S
17 DESIGNEE, WHO SHALL ALSO SERVE AS CHAIRPERSON OF THE DRAINAGE
18 BOARD.

19 (B) THE COUNTY COMMISSIONER WHOSE DISTRICT WILL BE ASSESSED
20 FOR THE GREATEST PORTION OF THE COST OF THE PROJECT, OR THAT
21 COUNTY COMMISSIONER'S DESIGNEE. THE DETERMINATION OF WHICH
22 COUNTY COMMISSIONER IS QUALIFIED TO SIT UNDER THIS SUBDIVISION
23 SHALL INITIALLY BE MADE BY THE CHAIRPERSON OF THE DRAINAGE BOARD
24 AT THE TIME THE PETITION FOR THE PROJECT IS FILED. AFTER THE
25 FINAL ORDER OF APPORTIONMENT IS ISSUED UNDER SECTION 469, THE
26 COUNTY COMMISSIONER WHO QUALIFIES UNDER THIS SECTION SHALL BECOME
27 THE COUNTY COMMISSIONER MEMBER AND SERVE UNTIL ANOTHER

1 APPORTIONMENT IS ESTABLISHED REQUIRING THE SEATING OF ANOTHER
2 COMMISSIONER.

3 (C) A PERSON APPOINTED BY THE COUNTY EXECUTIVE.

4 (3) IN A COUNTY DESCRIBED IN SUBSECTION (2), THE REQUIRE-
5 MENTS IN THIS CHAPTER FOR SUBSTANTIVE ACTIONS AND DETERMINATIONS
6 SHALL BE FOLLOWED IN ADMINISTERING EACH PROJECT PETITIONED FOR
7 UNDER THIS CHAPTER, SUBJECT TO AND IN ACCORDANCE WITH ANY APPLI-
8 CABLE PROVISIONS OF THE COUNTY CHARTER.

9 Sec. 497. (1) The drainage board shall use any surplus con-
10 struction funds remaining in the construction fund after comple-
11 tion of the project for the INSPECTION, REPAIR, AND maintenance
12 of the drain ~~but not to exceed the cost of maintaining the drain~~
13 ~~for + year~~ AS PROVIDED IN SECTION 196 or shall authorize the
14 transfer of the funds to the bond and interest account, if bonds
15 were issued, in ~~such~~ THE amounts ~~as~~ the drainage board con-
16 siders proper.

17 (2) The drainage board shall contract with any public corpo-
18 ration ~~, which term as used in this section includes any city,~~
19 ~~village, township, county, or the state whenever~~ IF that public
20 corporation has been assessed for all or part of the cost of the
21 drain or ~~whenever~~ IF land in any city, village, township, or
22 combination thereof has been assessed for all or any part of the
23 cost of a drain. The contract shall provide that after all out-
24 standing drain orders or bonds are paid on a drainage district
25 project, the drainage board shall authorize the county treasurers
26 to pay over any portion of the surplus not needed for more than
27 the cost of ~~+ year's~~ INSPECTION, REPAIR, AND maintenance of the

1 drain AS PROVIDED IN SECTION 196 to the county, township, city,
2 or village in which THE drain ~~was~~ IS located or in which
3 assessments for benefits have been assessed and collected. The
4 payments shall be on a pro rata basis in direct proportion to the
5 amounts assessed and collected from each ~~local unit~~ COUNTY,
6 TOWNSHIP, CITY, OR VILLAGE. The contract shall also provide that
7 upon receipt of the surplus ~~fund~~ FUNDS the county, city, vil-
8 lage, or township shall utilize the surplus funds to alleviate
9 drainage problems in their respective jurisdictions.

10 (3) If state highway funds are involved in a project, the
11 drain commissioner or drainage board, upon completion of a con-
12 struction project and after all outstanding drain orders or bonds
13 are paid on the project, shall return, on a pro rata basis, sur-
14 plus construction funds in excess of ~~1 year's maintenance~~ THE
15 AMOUNT NECESSARY TO PAY FOR INSPECTION, REPAIR, AND MAINTENANCE
16 OF THE DRAIN AS PROVIDED IN SECTION 196 to the ~~department of~~
17 STATE transportation DEPARTMENT for the construction, mainte-
18 nance, and administration of state highways.

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

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

24 Sec. 499. (1) After the construction of a county drain for
25 which none of the financing is obtained through special assess-
26 ments under section 490, the drainage board shall provide for an
27 amount from surplus construction funds sufficient to INSPECT,

1 REPAIR, AND maintain the drain ~~for a period not to exceed +~~
2 ~~year~~ AS PROVIDED IN SECTION 196. After providing for ~~+ year's~~
3 INSPECTION, REPAIR, AND maintenance, ~~cost,~~ the drainage board
4 may apportion the balance of the surplus construction funds to
5 separate accounts to the credit of the public corporations
6 against which the cost of the drain is assessed. The funds shall
7 be credited in direct proportion to amounts assessed and col-
8 lected from the public corporations.

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

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

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

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

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

26 (2) The drainage board shall contract with ~~any~~ A public
27 corporation ~~whenever~~ IF that public corporation has been

1 assessed for all or part of the cost of the drain or ~~whenever~~
2 IF land in ~~any~~ A city, village, township, or combination
3 thereof has been assessed for all or any part of the cost of a
4 drain. The contract shall provide that after all outstanding
5 drain orders or bonds are paid on a drainage district project,
6 the drainage board shall authorize the county treasurers to pay
7 over any portion of the surplus not needed for more than the cost
8 of ~~1-year's~~ INSPECTION, REPAIR AND maintenance of the drain AS
9 PROVIDED IN SECTION 196 to the county, township, city, or village
10 in which the drain was located or in which assessments for bene-
11 fits have been assessed and collected. The payments shall be on
12 a pro rata basis in direct proportion to the amounts assessed and
13 collected from each ~~such~~ county, township, city, or village.
14 The contract shall also provide that upon receipt of the surplus
15 ~~fund~~ FUNDS the county, city, village, or township shall utilize
16 the surplus funds to alleviate drainage problems in their respec-
17 tive jurisdictions.

18 (3) If state highway funds are involved in a project, the
19 drain commissioner or the drainage board, upon completion of a
20 construction project, and after all outstanding drain orders or
21 bonds are paid on the project shall return, on a pro rata basis,
22 surplus construction funds in excess of ~~1-year's maintenance~~
23 THE AMOUNT NECESSARY TO PAY FOR INSPECTION, REPAIR, AND MAINTENANCE
24 OF THE DRAIN AS PROVIDED IN SECTION 196 to the state trans-
25 portation department for the construction, maintenance, and
26 administration of state highways.

1 (4) A drainage board may apply section 547a TO SURPLUS
2 CONSTRUCTION FUNDS in place of this section.

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

6 Sec. 547a. (1) After the construction of a county drain for
7 which none of the financing is obtained through special assess-
8 ments under section 539, the drainage board shall provide for an
9 amount from surplus construction funds sufficient to INSPECT,
10 REPAIR, AND maintain the drain ~~for a period not to exceed +~~
11 ~~year~~ AS PROVIDED IN SECTION 196. After providing for ~~+ year's~~
12 INSPECTION, REPAIR, AND maintenance, ~~cost,~~ the drainage board
13 may apportion the balance of the surplus construction funds to
14 separate accounts to the credit of the public corporations
15 against which the cost of the drain is assessed. The funds shall
16 be credited in direct proportion to amounts assessed and col-
17 lected from the public corporations.

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

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

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

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