House
Legislative
Analysis
Section

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House Bill 4053 as passed by the House.
Second Analysis (5-4-87)

Sponsor: Rep. Gary L. Randall
Committee: Towns and Counties

THE APPARENT PROBLEM:

Under the Drain Code, a board of determination made up of three "disinterested property owners" is appointed by the drain commissioner or, if the drain commissioner refuses, by the county board of commissioners after a petition for a drainage project is filed. The board of determination is charged with determining whether the proposed drain is needed and is conducive to public health, convenience, or welfare. The Drain Code requires that the compensation, mileage, and expenses of a member of the board of determination be fixed by the county board of commissioners but limits the compensation to "$25 per diem exclusive of mileage and expenses" for attending the meeting. The code also stipulates that a board member may not receive more than "$25 per diem for a day no matter how many separate matters are considered on that day." (County officials point out that the money comes from funds under the control of the drain commissioner and not from the county general fund.) There have been complaints that the statutory per diem cap is too low and should either be increased or left to local officials to establish as they see fit.

THE CONTENT OF THE BILL:

The bill would amend the Drain Code to provide that the per diem compensation, mileage, and expenses of a member of a board of determination be the same as that received by the county board of commissioners of the county. In counties where commissioners are not paid per diems, the drain commissioner would fix the amounts. Members of a board of determination could not receive more than one per diem for a day no matter how many separate matters they considered on that day (MCL 280.72).

FISCAL IMPLICATIONS:

There is no fiscal information at present.

ARGUMENTS:

For:

Some county officials complain that the current $25 per diem limit is unrealistically low compensation for members of boards of determination. These boards must often pass judgment on drain projects that provoke intense and emotional conflict among neighbors. Their work can be difficult and time-consuming.

For:

By setting the per diem for boards of determination at the same level as that of county commissioners, the bill provides a measure of fairness and uniformity and avoids entangling the question of the level of compensation in local politics.

Against:

It is not clear the bill would solve the problem that it set out to solve. Without knowing what the various per diems are for county commissioners, there is no way to know whether the members of boards of determination will in general receive more compensation or not for their labors. Most probably will but some will not. Reportedly, per diems for county commissioners vary from $20 to $50 in those counties where commissioners receive them. In other counties, there is one per diem rate for full days and another for half days; this might not be appropriate for boards of determination.

Against:

Why not let local officials determine the rate of compensation for boards of determination? They know what is fair and appropriate for the kind of work the boards must do in their locales. They might want different per diems for county commissioners than for boards of determination. As introduced, the bill would have left the decision to the county board of commissioners.

Response: It should be noted that the board of determination is paid from drain accounts under the control of the drain commissioner and not from the county general fund.

POSITIONS:

There are no positions at present (4-7-87).