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House Bill 5190 (as passed by the House)
Sponsor: Representative Jenn Hill
House Committee: Local Government and Municipal Finance
Senate Committee: Local Government

Date Completed: 11-12-24

CONTENT

The bill would amend the Drain Code to authorize drain commissioners or drain boards to determine reasonable compensation and necessary expenses for service on specified boards established to administer the Code.

Authority for Compensation of Drain-Related Bodies

Among other things, the Code requires specified boards to consider petitions for the construction of drains, the consolidation of two or more drainage districts, and the general administration of the Code's requirements. The Code prescribes members of these boards and their compensation in service on the boards. The bill would transfer authority to determine reasonable compensation and expense reimbursement for these board members to drain commissioners or drainage boards as described below.

Members of a board of determination are appointed as disinterested property owners to consider a petition to locate and construct a specific drain project filed after the creation of a drainage district. For service on a board, the Code requires the per diem compensation and mileage and expense reimbursement to be the same as the county's county board of commissioners. Instead, under the bill, the drain commissioner would have to determine reasonable compensation for and approve necessary expenses of a member for each meeting attended.

A board of determination is also appointed for a petition to consolidate two or more drainage districts located in the same county and drain basin. For members of this board, the compensation must be \$8 per day with no additional allowance for mileage. The county board of commissioners of a county may increase the per diem compensation of members of the board. Instead, under the bill, the drain commissioner would have to determine reasonable compensation for and approve necessary expenses of a member of the board of determination for each meeting attended.

The Code requires a drain commissioner receiving a petition for the construction or improvement of any drain who is an interested party in that construction or improvement to petition a judge for disqualification and the appointment of a special drain commissioner for the consideration of the petition. An appointed commissioner's compensation and expense reimbursement is the same as that received by the disqualified commissioner. Instead, under the bill, the drain commissioner would have to determine reasonable compensation for and approve necessary expenses of a member.

The Code requires the chairperson of a county board of commissioners and any member of a county board of commissioners serving on a drainage board to receive the compensation,

mileage, and expenses as provided by the drainage board;¹ however, compensation paid to a member must not exceed \$25 per diem, exclusive of mileage and expenses, for attendance at drainage board meetings. In counties with less than 500,000 residents, the drain commissioner must be paid the same compensation as other members of the drainage board. Instead, under the bill, the drainage board would have to determine reasonable compensation for and approve necessary expenses of the chairperson of the county board of commissioners and any member of a county board of commissioners serving on the drainage board for each meeting attended.

Finally, the Code requires the chairperson of a board of commissioners and any other member of the county board of commissioners serving on an augmented drainage board for purposes of an intercounty drain to receive such compensation, mileage, and expenses as is provided by the augmented drainage board, except that such compensation must not exceed \$25 per diem exclusive of mileage and expenses for attendance at augmented drainage board meetings. Instead, under the bill, the augmented drainage board would have to determine reasonable compensation for and approve necessary expenses of the chairperson of the county board of commissioners and any other member of the county board of commissioners serving on the augmented drainage board for each meeting attended.

Modify Notification Requirements for a Board of Determination Meeting

The Code prescribes meeting notice requirements for a drain commissioner appointing a board of determination to consider the consolidation of drainage districts within a county. Among other requirements, a commissioner must give notice of a meeting of a board of determination by publication twice in a newspaper of general circulation in the county. The bill would remove the requirement that a county drain commissioner give notification *twice* by publication in a newspaper of this kind.

MCL 280.72 et al.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

This bill would have a small fiscal impact on local governmental units and no fiscal impact on the State. The impact would likely be negative but could be positive if a drain commissioner or drainage board decided to reduce compensation.

Fiscal Analyst: Bobby Canell

¹ A drainage board is a public body created for each project petitioned for under Chapter 20 (Intracounty Drains; Public Corporations) of the Drain Code. A drainage board consists of three members – the drain commissioner of the county, the chairperson of the county board of commissioners, and the chairperson of the board of county auditors, unless otherwise provided for.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.