

SUBSTITUTE FOR  
HOUSE BILL NO. 5278

A bill to amend 1956 PA 40, entitled  
"The drain code of 1956,"  
by amending sections 306 and 307 (MCL 280.306 and 280.307).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 306. ~~Whenever~~ **IF** revolving fund ~~moneys have~~ **MONEY HAS**  
2   been expended or a drainage district ~~has become~~ **IS** obligated to pay  
3   expenses for engineering, legal, ~~and~~ **OR** administrative services **OR**  
4   **TO PAY PRINCIPAL AND INTEREST ON NOTES**, by action of the drain  
5   commissioner, ~~or drainage board and no~~ **AND IF AN** improvement has  
6   **NOT** been completed ~~subsequent to~~ **AFTER** the **DRAIN** commissioner's  
7   order designating a **COUNTY** drainage district, ~~or~~ **THE** entry of the  
8   first order of determination ~~as prescribed in~~ **UNDER** section 72,  
9   ~~where an intracounty drain is involved,~~ **OR THE FILING OF A**  
10   **PETITION, IF A PETITION HAS BEEN FILED, WHICHEVER IS LATER**, the

1 drain commissioner of such county which has expended such revolving  
 2 fund moneys may report such ~~THIS~~ fact to the COUNTY board of  
 3 supervisors. ~~COMMISSIONERS~~. If no ~~AN~~ improvement has NOT been  
 4 completed within a period of 5 years subsequent to ~~AFTER THE DATE~~  
 5 OF the DRAIN commissioner's order designating a drainage district,  
 6 or ~~THE~~ entry of the first order of determination as prescribed in  
 7 UNDER section 72, OR THE FILING OF A PETITION, IF A PETITION HAS  
 8 BEEN FILED AND ORDERED ABANDONED, WHICHEVER IS LATER, the drain  
 9 commissioner of such county shall report such ~~THAT~~ fact to the  
 10 COUNTY board of supervisors. ~~COMMISSIONERS~~. If the sum involved is  
 11 too small to justify spreading the same ~~SUM~~ over the designated  
 12 DRAINAGE district, above referred to, such board of supervisors ~~THE~~  
 13 COUNTY BOARD OF COMMISSIONERS may order THAT the sum to be spread  
 14 against the property of the original petitioners according to such  
 15 percentage as the commissioners shall deem ~~CONSIDER~~ just and  
 16 equitable. , ~~based on the same benefit theory as if the improvement~~  
 17 ~~had been completed. If the sum involved is large enough to, in the~~  
 18 ~~opinion of the board of supervisors, create undue hardship on the~~  
 19 ~~original petitioners, OTHERWISE, the COUNTY board of supervisors~~  
 20 COMMISSIONERS may order THAT the same ~~SUM BE~~ spread over such  
 21 designated ~~THE~~ district and the DRAIN commissioner shall apportion  
 22 the cost thereof ~~SUM~~ to the parties THAT WOULD HAVE BEEN benefited  
 23 in the district as provided in chapter 7 for the purpose of  
 24 permitting a review of the ASSESSMENT roll as to fairness of the  
 25 apportionment only.

26 Sec. 307. ~~Whenever IF revolving fund moneys have been expended~~  
 27 and no improvement has been completed subsequent to ~~MONEY HAS BEEN~~

1 EXPENDED OR A DRAINAGE DISTRICT IS OBLIGATED TO PAY EXPENSES FOR  
2 ENGINEERING, LEGAL, OR ADMINISTRATIVE SERVICES OR TO PAY PRINCIPAL  
3 AND INTEREST ON NOTES AND IF AN IMPROVEMENT HAS NOT BEEN COMPLETED  
4 WITHIN 5 YEARS AFTER THE DATE OF the DRAINAGE BOARD'S order  
5 designating a ~~AN INTERCOUNTY~~ drainage district as ~~prescribed in~~  
6 UNDER section 105, ~~of this act where an intercounty drain is~~  
7 ~~involved, within a period of 5 years, THE ENTRY OF THE FIRST ORDER~~  
8 ~~OF DETERMINATION UNDER SECTION 122, OR THE FILING OF A PETITION, IF~~  
9 ~~A PETITION HAS BEEN FILED AND ORDERED ABANDONED, WHICHEVER IS~~  
10 ~~LATER, the drainage board created in section 102 of this act shall~~  
11 ~~apportion the cost as between counties. Any IF REQUESTED BY A drain~~  
12 ~~commissioner feeling aggrieved by such THE apportionment, may~~  
13 ~~request review by the board of review provided in section 106 of~~  
14 ~~this act, and such board shall proceed to review the same as~~  
15 ~~provided in this act. SHALL REVIEW THE APPORTIONMENT UNDER SECTION~~  
16 ~~106. The decisions of the board of review shall be ARE final.~~  
17 Thereafter the amount apportioned to each county shall be recovered  
18 by each ~~THE~~ county as above outlined ~~PROVIDED IN SECTION 306~~ for  
19 the recovery of EXPENDED revolving fund moneys ~~expended for an~~  
20 ~~intracounty drain in section 306 of this act. MONEY OR INDEBTEDNESS~~  
21 FOR WHICH A DRAINAGE DISTRICT IS OBLIGATED.