

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.