

HOUSE BILL No. 5278

January 28, 2016, Introduced by Rep. Glardon and referred to the Committee on Local Government.

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~~

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

27 Sec. 307. ~~Whenever~~ **IF** revolving fund moneys ~~have been expended~~

1 ~~and no improvement has been completed subsequent to~~ **MONEY HAS BEEN**
2 **EXPENDED OR A DRAINAGE DISTRICT IS OBLIGATED TO PAY EXPENSES FOR**
3 **ENGINEERING, LEGAL, OR ADMINISTRATIVE SERVICES OR TO PAY PRINCIPAL**
4 **AND INTEREST ON NOTES AND IF AN IMPROVEMENT HAS NOT BEEN COMPLETED**
5 **WITHIN 5 YEARS AFTER THE DATE OF** the DRAINAGE BOARD'S order
6 designating a ~~AN INTERCOUNTY~~ drainage district as ~~prescribed in~~
7 **UNDER** section 105, ~~of this act where an intercounty drain is~~
8 ~~involved, within a period of 5 years,~~ **OR THE FILING OF A PETITION,**
9 **IF A PETITION HAS BEEN FILED, WHICHEVER IS LATER,** the drainage
10 board ~~created in section 102 of this act~~ shall apportion the cost
11 as between counties. ~~Any~~ **IF REQUESTED BY A** drain commissioner
12 feeling aggrieved by ~~such~~ **THE** apportionment, ~~may request review by~~
13 the board of review ~~provided in section 106 of this act, and such~~
14 ~~board shall proceed to review the same as provided in this act.~~
15 **SHALL REVIEW THE APPORTIONMENT UNDER SECTION 106.** The decisions of
16 the board of review ~~shall be~~ **ARE** final. Thereafter the amount
17 apportioned to each county shall be recovered by ~~each~~ **THE** county as
18 ~~above outlined~~ **PROVIDED IN SECTION 306** for the recovery of
19 revolving fund moneys ~~MONEY~~ expended ~~for an intracounty drain in~~
20 ~~section 306 of this act.~~ **OR OTHER EXPENSES OR INDEBTEDNESS FOR WHICH**
21 **A DRAINAGE DISTRICT IS OBLIGATED.**