

Act No. 115
Public Acts of 2016
Approved by the Governor
May 10, 2016
Filed with the Secretary of State
May 10, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Rep. Glardon

ENROLLED HOUSE BILL No. 5278

AN ACT to amend 1956 PA 40, entitled “An act to codify the laws relating to the laying out of drainage districts, the consolidation of drainage districts, the construction and maintenance of drains, sewers, pumping equipment, bridges, culverts, fords, and the structures and mechanical devices to properly purify the flow of drains; to provide for flood control projects; to provide for water management, water management districts, and subdistricts, and for flood control and drainage projects within drainage districts; to provide for the assessment and collection of taxes; to provide for the investment of funds; to provide for the deposit of funds for future maintenance of drains; to authorize public corporations to impose taxes for the payment of assessments in anticipation of which bonds are issued; to provide for the issuance of bonds by drainage districts and for the pledge of the full faith and credit of counties for payment of the bonds; to authorize counties to impose taxes when necessary to pay principal and interest on bonds for which full faith and credit is pledged; to validate certain acts and bonds; and to prescribe penalties,” by amending sections 306 and 307 (MCL 280.306 and 280.307).

The People of the State of Michigan enact:

Sec. 306. If revolving fund money has been expended or a drainage district is obligated to pay expenses for engineering, legal, or administrative services or to pay principal and interest on notes, by action of the drain commissioner, and if an improvement has not been completed after the drain commissioner's order designating a county drainage district, the entry of the first order of determination under section 72, or the filing of a petition, if a petition has been filed, whichever is later, the drain commissioner may report this fact to the county board of commissioners. If an improvement has not been completed within 5 years after the date of the drain commissioner's order designating a drainage district, the entry of the first order of determination under section 72, or the filing of a petition, if a petition has been filed and ordered abandoned, whichever is later, the drain commissioner shall report that fact to the county board of commissioners. If the sum involved is too small to justify spreading the sum over the drainage district, the county board of commissioners may order that the sum be spread against the property of the original petitioners as the commissioners consider just and equitable. Otherwise, the county board of commissioners may order that the sum be spread over the district and the drain commissioner shall apportion the sum to the parties that would have been benefited in the district as provided in chapter 7 for the purpose of permitting a review of the assessment roll as to fairness of the apportionment only.

Sec. 307. If revolving fund money has been expended or a drainage district is obligated to pay expenses for engineering, legal, or administrative services or to pay principal and interest on notes and if an improvement has not been completed within 5 years after the date of the drainage board's order designating an intercounty drainage district under section 105, the entry of the first order of determination under section 122, or the filing of a petition, if a petition has been filed and ordered abandoned, whichever is later, the drainage board shall apportion the cost as between counties. If requested by a drain commissioner feeling aggrieved by the apportionment, the board of review shall review the apportionment under section 106. The decisions of the board of review are final. Thereafter the amount apportioned to each county shall be recovered by the county as provided in section 306 for the recovery of expended revolving fund money or indebtedness for which a drainage district is obligated.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor