

HOUSE BILL No. 5687

June 12, 2014, Introduced by Reps. Pscholka, Price, LaVoy, Dianda, Haveman, Foster and Schmidt and referred to the Committee on Local Government.

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending section 247 (MCL 280.247).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 247. (1) The county drain commissioner **OR DRAINAGE BOARD**
2 acting under ~~the provisions of~~ this act may employ an attorney ~~when~~
3 ~~he deems the same~~ **IF THE DRAIN COMMISSIONER OR DRAINAGE BOARD, AS**
4 **APPROPRIATE, CONSIDERS IT** necessary. ~~and any legal expense~~ **IF AN**
5 **ATTORNEY IS EMPLOYED, ALL ATTENDANT EXPENSES AND COSTS** shall be
6 charged to the ~~several drain~~ **DRAINAGE** districts ~~in~~ **ON** behalf of
7 which ~~he shall be~~ **THE ATTORNEY IS** employed. All ~~such~~ **ATTENDANT**
8 expenses **AND COSTS** shall be paid out of the **DRAIN FUND OF THE**
9 **DRAINAGE DISTRICT OR THE** revolving drain fund. ~~which shall be~~
10 ~~reimbursed out of the first moneys available: Provided, That the~~ **IF**

1 THE ATTENDANT EXPENSES AND COSTS ARE PAID OUT OF THE REVOLVING
2 DRAIN FUND OR IF THE DRAIN FUND OF THE DRAINAGE DISTRICT DOES NOT
3 HAVE SUFFICIENT FUNDS TO PAY THE ATTENDANT EXPENSES AND COSTS, THE
4 ATTENDANT EXPENSES AND COSTS SHALL BE ASSESSED TO THE DRAINAGE
5 DISTRICT IN THE SAME PROPORTION AS COSTS OF THE DRAIN WERE ASSESSED
6 AS PROVIDED IN CHAPTER 7 AND THE COLLECTIONS OF THESE ASSESSMENTS
7 SHALL BE USED EITHER TO REIMBURSE THE REVOLVING DRAIN FUND OR TO
8 PAY THE ATTENDANT EXPENSES AND COSTS, AS APPROPRIATE.

9 (2) THE COUNTY board of ~~supervisors~~ COMMISSIONERS by
10 resolution may cause the prosecuting attorney to give ~~such~~ legal
11 assistance TO A COUNTY DRAIN COMMISSIONER as part of ~~his~~ THE
12 PROSECUTING ATTORNEY'S duties.

13 (3) AS USED IN THIS SECTION, "ATTENDANT EXPENSES AND COSTS"
14 MEANS THOSE EXPENSES AND COSTS INCURRED IN FURTHERANCE OF THE
15 DUTIES AND RESPONSIBILITIES OF A DRAIN COMMISSIONER OR DRAINAGE
16 BOARD THAT ARE CHARGED TO THE DRAINAGE DISTRICT FOR WHICH THEY WERE
17 INCURRED, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE
18 FOLLOWING:

19 (A) ACTUAL ATTORNEY FEES.

20 (B) EXPERT WITNESS AND CONSULTANT FEES.

21 (C) MONEY AND COSTS EXPENDED IN CONNECTION WITH LITIGATION OR
22 THE THREAT OF LITIGATION.

23 (D) PAYMENTS MADE IN SATISFACTION OR PARTIAL SATISFACTION OF
24 ANY ORDERS OR JUDGMENTS ENTERED AGAINST A DRAINAGE DISTRICT.

25 (E) MONEY AND COSTS EXPENDED TO OBTAIN A RELEASE, WAIVER, OR
26 OTHER SETTLEMENT OF CLAIMS.