

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956
Chapter 12.
REVOLVING FUNDS FOR DRAINS.

280.301 Revolving drain fund; creation, use.

Sec. 301.

At the October session of the board of supervisors, each board shall appropriate and collect by general taxation from the taxable property within their respective counties for the purpose of creating a revolving drain fund, such sum as said board may deem necessary. Said revolving fund when so created shall be used and disposed of solely as provided in this chapter.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1969, Act 90, Imd. Eff. July 24, 1969
Popular Name: Act 40

280.302 Revolving drain fund; use; intercounty drains; expenses after date of letting drain contracts.

Sec. 302.

The revolving fund may be used for paying the engineer or surveyor for his services in laying out a drainage district, also any necessary assistance therefor and to pay any and all other services to the date of letting the drain contract for paying members of boards of determination for services performed under this act, for necessary repairs on old drains, and also for paying drain orders that are due not in excess of \$2,000.00 if authorized by the board of supervisors. Orders drawn by the commissioner on the revolving fund may be made payable upon the performance of services herein defined. From said revolving fund may be paid the services herein mentioned on any drain or drainage district affecting more than 1 county. Such total expense is prorated among the several counties affected according to the amount apportioned to be paid by and in said counties respectively for said drain. Any and all orders for services rendered or expenses incurred after the date of letting the drain contract shall be paid in the manner prescribed in chapter 10, being sections 241 to 248.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1963, Act 215, Imd. Eff. May 17, 1963 ;-- Am. 1963, Act 228, Eff. Sept. 6, 1963 ;-- Am. 1967, Act 214, Imd. Eff. July 10, 1967
Popular Name: Act 40

280.303 Revolving drain fund; accounting records; reimbursement.

Sec. 303.

The county treasurers shall carry as a separate account upon the books of their office a revolving fund and all accounts and items pertaining thereto. A record shall be kept of the amount of money paid from the revolving fund for the use and benefit of any particular drainage district and upon payment to the county treasurer of the taxes assessed in the particular drainage district, the county treasurer, out of the moneys received, shall transfer to the revolving fund pro rata according to the number of installments of taxes the sum expended.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1969, Act 66, Imd. Eff. July 21, 1969
Popular Name: Act 40

280.304 Revolving drain fund; deposit in bank; interest.

Sec. 304.

The said revolving fund shall be deposited in the bank of the county offering the highest rate of interest on daily balances, final determination to be made by the board of supervisors of the particular county, the interest so received to be paid into and become a part of said fund.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956

Popular Name: Act 40

280.305 Revolving drain fund; transfer to particular drain fund of moneys under former law, use.

Sec. 305.

When the moneys for the revolving fund shall have been appropriated, the county treasurer shall immediately transfer back to each particular drain fund any unexpended moneys due in such fund then on hand and carried in any revolving fund by virtue of any pre-existing law, said moneys when so transferred to be used solely for the use and benefit of the particular drain for which they were raised.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956

Popular Name: Act 40

280.306 Revolving fund; expenditures or obligation before completion of improvement; report to county board of commissioners; apportionment.

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.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1969, Act 105, Eff. Mar. 20, 1970 ;-- Am. 2016, Act 115, Imd. Eff. May 10, 2016

Popular Name: Act 40

280.307 Revolving fund; expenditures or obligation before completion of improvement; intercounty drainage district, apportionment; recovery of money.

Sec. 307.

(1) The drainage board shall apportion the cost between counties 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 any of the following apply:

- (a) An improvement has not been completed within the latest of the following:
 - (i) 5 years after the date of the drainage board's order designating an intercounty drainage district under section 105.
 - (ii) 5 years after the entry of the first order of determination under section 122.
 - (iii) 2 years after the filing of a petition, if a petition has been filed and ordered abandoned.
 - (b) A petition to locate, establish, and construct an intercounty drain is not filed within 2 years after the date of the drainage board's order designating an intercounty drainage district.
- (2) If requested by a drain commissioner feeling aggrieved by the apportionment, the board of review shall review the apportionment under section 106. The amount apportioned to each county by the board of review shall be recovered by the county as provided in section 306.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 2016, Act 115, Imd. Eff. May 10, 2016 ;-- Am. 2018, Act 646, Eff. Mar. 28, 2019
Popular Name: Act 40