

**THE DRAIN CODE OF 1956 (EXCERPT)**  
**Act 40 of 1956**

**280.244 Drain orders; drawing and payment, restrictions; payment from county general fund, reimbursement.**

Sec. 244. All orders for the payment for services rendered and work performed shall be drawn by the commissioner upon the drain fund of each particular drain. In case of taxes assessed for benefits received which are to be paid in 7 annual installments or less, all orders for the payment for lands for right of way shall be paid out of the first year's taxes, and the balance of such first year's taxes, if any, shall be applied pro rata among the several contractors in the payment of the contracts for the construction of such drain. For the balance due upon such contracts the commissioner shall draw orders payable out of each succeeding year's assessment pro rata among the several contractors: Provided, That no commissioner shall draw orders payable in any one year for a larger amount than said year's assessment, except in cases where bonds are issued and sold as provided by law. All drain orders shall be drawn payable not sooner than the fifteenth day of April nor later than the first day of August of the year in which the drain taxes for the payment thereof are required to be paid. If the drain fund is insufficient for such purpose because of delinquency in the payment of drain taxes after the lands on which the said taxes shall have become delinquent have been offered for sale, in any such case where payment is made by the county treasurer out of the general fund and all delinquent drain taxes received by said treasurer thereafter shall be credited to the general fund until the same is reimbursed. In all cases where bonds are issued and sold as herein provided and the proceeds thereof are deposited in the county treasury to the credit of the fund of the particular drain, orders presented on such fund shall be paid out of the proceeds aforesaid, or out of the first annual installment of the taxes. In no case where there are outstanding bonds shall an order be paid out of any installment of taxes collected other than the first.

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

**Popular name:** Act 40