

1 SEC. 61. The members of the board of county drainage administrators
2 shall each receive seventeen dollars and fifty cents per day for each day
3 actually devoted to the duties of their office, ten cents for every mile trav-
4 eled in going to and from meetings of, or other places of performing the
5 duties of, said board, and other actual and necessary expenses incurred in
6 the performance of their duties.

1 SEC. 62. The compensation and expenses of the county board of drain-
2 age administrators, for each day or portion thereof necessarily expended
3 in the transaction of the business of a drainage or levee district, shall be
4 paid out of the funds of the district served. The administrators shall file
5 with the auditor or auditors, as the case may be, itemized, verified state-
6 ments of their time devoted to the business of the district and the expenses
7 incurred. If the administrators transact business of more than one district
8 on a given day, they shall prorate their claims for compensation propor-
9 tionately among the districts served on that day, but in no case shall a
10 member of the board of county drainage administrators claim or receive a
11 sum in excess of seventeen dollars and fifty cents, plus actual and necessary
12 expenses, for a single day.

1 SEC. 63. Section four hundred sixty-six point four (466.4), Code 1966,
2 is hereby amended by striking in lines eight (8) and nine (9) the words
3 "that where the proposed improvement is for drainage only,".

1 SEC. 64. The state of Iowa, its agencies and subdivisions shall be
2 financially responsible for drainage and special assessments against land
3 which they own, or hold title to, within existing drainage districts.

1 SEC. 65. Nothing in this Act shall be construed to deny any drainage
2 or levee district the power to establish a board of trustees in the manner
3 provided by chapter four hundred sixty-two (462) of the Code.

Approved April 30, 1969.

CHAPTER 261

LEVEE AND DRAINAGE DISTRICTS

S. F. 181

AN ACT relating to levee and drainage districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following:
3 "If it should develop that any type of public improvement, other than
4 the forces of nature, has caused such a change in the district as to effective-
5 ly sever and cut off some of the land in the district from other lands in the
6 district and from the improvements in the district in such a way as to de-
7 prive the land of any further benefits from the improvement, or in some
8 manner to divide the benefits that may be derived from two separated por-
9 tions of the improvement, then the board of supervisors or the board of
10 trustees in charge may upon notice to interested parties and hearing as
11 provided by this chapter for the original establishment of a district make

12 an order to remove lands so deprived of benefits from the district without
13 any reclassification, or may subdivide the district into two separate entities
14 if the public improvement splits the district into two separate units, each of
15 which may still derive some separate benefits from the separated portions
16 of the district.

17 If the public improvement is such as to leave two separate portions of
18 the improvement that are still operable and of benefit to the land on each
19 side of the division made by the public improvement, then the board may
20 divide the district into two separate units so that each may perform further
21 work on the improvements in their respective parts, but neither shall be
22 charged for work completed on the opposite side of the new improvement
23 that divides them and may only be charged for the work done in that por-
24 tion of the district remaining on their side of the division.

25 The same authority provided in this Act shall vest in the board of
26 supervisors or the board of trustees in the event a drainage district in
27 any manner relinquishes its control over any portion of its improvements
28 or its obligation to maintain same to another district and lands may be
29 removed from the district or the district may be divided as provided in this
30 Act.

31 The board may further in dividing the district award to each of the
32 separated portions of the district the improvement remaining in each por-
33 tion, determine the value of the improvement so remaining on each side
34 and secondly determine the contributions of the lands in the separated por-
35 tions to the improvements and the upkeep of the earlier district, and if
36 the contribution is proportionate neither side shall owe the other portion
37 of the district any money, but if contribution is disproportionate, the board
38 shall determine an equitable adjustment and the amount of payment re-
39 quired for one portion to pay to the other to buy the existing improvement.

40 If land is eliminated from any further benefits, there need not be any
41 reclassification and the board may remove the same from the district in
42 the same manner as if the land has been destroyed in whole by the erosion
43 of a river and spread any deficiency in assessment among the remaining
44 lands as provided by section four hundred fifty-five point fifty-six (455.56)
45 of the Code.

46 "Type of public improvement" for the purpose of this Act includes drain-
47 age or levee improvements or new highways."

1 SEC. 2. Section four hundred fifty-five point one hundred two (455.102),
2 Code 1966, is hereby amended by adding thereto the following:

3 "An exception to the conclusiveness of an assessment under this section
4 shall be in those cases where it has been determined under section one
5 (1) of this Act that land has later been deprived of benefits received by a
6 division of the district by some other improvement."

1 SEC. 3. Section four hundred fifty-six point one (456.1), Code 1966,
2 is hereby amended by adding thereto the following:

3 "Nothing in this section shall prevent the board from eliminating land
4 from a drainage district as permitted under section one (1) of this Act."

Approved June 5, 1969.