

JAN 26 1999

STATE GOVERNMENT

HOUSE FILE
BY O'BRIEN

137

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act providing for the per diem compensation and necessary
 2 travel and actual expenses of members of boards, committees,
 3 commissions, and councils.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 137

1 Section 1. Section 6B.33, Code 1999, is amended to read as
2 follows:

3 6B.33 COSTS AND ATTORNEY FEES.

4 The applicant shall pay all costs of the assessment made by
5 the commissioners and reasonable attorney fees and costs
6 incurred by the condemnee as determined by the commissioners
7 if the award of the commissioners exceeds one hundred ten
8 percent of the final offer of the applicant prior to
9 condemnation. The applicant shall file with the sheriff an
10 affidavit setting forth the most recent offer made to the
11 person whose property is sought to be condemned. Members of
12 such commissions shall receive a per diem ~~of-fifty-dollars~~ at
13 the rate specified in section 7E.6, and actual and necessary
14 expenses incurred in the performance of their official duties.
15 The applicant shall also pay all costs occasioned by the
16 appeal, including reasonable attorney fees to be taxed by the
17 court, unless on the trial thereof the same or a less amount
18 of damages is awarded than was allowed by the tribunal from
19 which the appeal was taken.

20 Sec. 2. Section 7E.6, subsections 1 through 3, Code 1999,
21 are amended to read as follows:

22 1. a. Any position of membership on any board, committee,
23 commission, or council in the executive branch of state
24 government which is compensated by the payment of a per diem
25 to the holder of that position under statutory law shall be
26 compensated at the rate ~~of-fifty-dollars-per-diem~~ specified in
27 section 2.10, subsection 5, for a member of the general
28 assembly, notwithstanding any other law to the contrary.

29 b. Reimbursement of necessary travel and actual expenses
30 to the holder of any position governed by this subsection
31 shall be ~~as provided in,~~ unless the applicable law provides
32 otherwise.

33 c. In regard to any board, committee, commission, or
34 council which has its name or organizational location altered
35 after January 1, 1986, the statutory provision on the subject

1 of per diem compensation which was applicable to it on January
2 1, 1986, shall continue to govern such agency and its
3 successor agency, notwithstanding the change in name or
4 organizational location.

5 2. Any position of membership on any board, committee,
6 commission, or council in the state government which has a
7 compensation level limited to expenses only is eligible to
8 receive, in addition to such actual expense reimbursement, an
9 additional expense allowance ~~of fifty dollars~~ at the rate
10 specified in section 2.10, subsection 5, for a member of the
11 general assembly per day if the holder of any such position
12 applies for such additional expense allowance and the holder
13 of the position has an income level of one hundred fifty
14 percent or less of the United States poverty level as defined
15 by the most recently revised poverty income guidelines
16 published by the United States department of health and human
17 services.

18 3. Any position of membership on the lottery board shall
19 receive compensation ~~of fifty dollars~~ at the rate specified in
20 section 2.10, subsection 5, for a member of the general
21 assembly per day and expenses.

22 Sec. 3. Section 103A.14, subsection 5, Code 1999, is
23 amended to read as follows:

24 5. Each member of the council shall receive per diem
25 compensation at the rate as specified in section 7E.6 for each
26 day spent in the performance of the member's duties, ~~but not~~
27 ~~to exceed twenty-five hundred dollars per year.~~ All members
28 of the council shall receive necessary expenses incurred in
29 the performance of their duties.

30 Sec. 4. Section 179.2, subsection 3, Code 1999, is amended
31 to read as follows:

32 3. Appointive members of the commission shall receive a
33 per diem as specified in section 7E.6 for each day spent on
34 official business of the commission, ~~not to exceed six hundred~~
35 ~~dollars per annum,~~ and their actual necessary expenses, while

1 engaged in commission activity.

2 Sec. 5. Section 183A.10, Code 1999, is amended to read as
3 follows:

4 183A.10 PER DIEM AND EXPENSES.

5 The members of the council shall receive a per diem as
6 specified in section 7E.6 for each day spent on official
7 business of the council, ~~not-to-exceed-six-hundred-dollars-per~~
8 ~~annum~~, and their actual necessary expenses, while engaged in
9 council activity.

10 Sec. 6. Section 357.1A, subsection 2, Code 1999, is
11 amended to read as follows:

12 2. The board of supervisors having jurisdiction to
13 establish the proposed combined water and sanitary district
14 may proceed with its establishment under this chapter or
15 chapter 358 in the same manner as a benefited water district
16 or a sanitary district is separately established under those
17 chapters. The differences between this chapter and chapter
18 358 including, but not limited to, the membership of the board
19 of trustees, per diem, ~~and-maximum-annual-per-diem~~, or a power
20 or duty relating to rents, fees, taxation, or bonded
21 indebtedness shall be resolved as a part of the petition
22 submitted to the board of supervisors. Before becoming
23 effective, a change in the membership, per diem, ~~maximum~~
24 ~~annual-per-diem~~, or a power or duty relating to rents, fees,
25 the levy of a tax, or the issuance of bonds, or other
26 differences specified on the petition shall be submitted for
27 the approval of the district electorate. However, the number
28 of members, per diem, ~~maximum-annual-per-diem~~, or differences
29 in powers and duties included in a combined district shall not
30 be inconsistent with this chapter or chapter 358.

31 Sec. 7. Section 358.12, Code 1999, is amended to read as
32 follows:

33 358.12 BOARD OF TRUSTEES -- POWERS.

34 The trustees elected as provided in section 358.9
35 constitute a board of trustees for the district by which they

1 are elected. The board of trustees is the corporate authority
2 of the sanitary district and shall manage and control the
3 affairs and property of the district. A majority of the board
4 of trustees shall constitute a quorum, but a smaller number
5 may adjourn from day to day. The board of trustees shall
6 elect a president, a clerk, and a treasurer from its
7 membership and may employ employees as necessary, who shall
8 hold their employment during the pleasure of the board. The
9 board shall prescribe the duties and fix the compensation of
10 all employees of the sanitary district and the amount of bond
11 to be filed by the treasurer of the district and by any
12 employee for whom the board may require bond. The members of
13 the board of trustees shall receive a per diem ~~of forty~~
14 dollars at the rate specified in section 7E.6 for attendance
15 at a meeting of the board or while otherwise engaged in
16 official duties, ~~but the total per diem for each member shall~~
17 ~~not exceed two thousand four hundred dollars for a fiscal~~
18 ~~year.~~ However, the board of trustees, by resolution, may
19 establish for its members a lower rate of pay than is fixed by
20 this section. The members of the board shall also be
21 reimbursed for their travel and other necessary expenses
22 incurred in performing their official duties. Travel expenses
23 are reimbursable at the rate specified in section 70A.9.
24 The board of trustees may adopt the necessary ordinances,
25 resolutions, rules and regulations for the proper management
26 and conduct of the business of the board of trustees and the
27 corporation and for carrying out the purposes for which the
28 sanitary district is formed.

29 Sec. 8. Section 477C.5, subsection 3, Code 1999, is
30 amended to read as follows:

31 3. Council members who are not state or local government
32 officers or employees shall be reimbursed for their necessary
33 and actual expenses incurred in performance of their duties
34 and shall receive a per diem ~~of fifty dollars~~ at the rate
35 specified in section 7E.6 when the council is meeting, payable

1 from moneys available to the board pursuant to section 477C.7.

2 Sec. 9. Section 479.46, subsection 6, Code 1999, is
3 amended to read as follows:

4 6. The pipeline company shall pay all costs of the
5 assessment made by the commissioners and reasonable attorney
6 fees and costs incurred by the landowner as determined by the
7 commissioners if the award of the commissioners exceeds one
8 hundred ten percent of the final offer of the pipeline company
9 prior to the determination of damages; if the award does not
10 exceed one hundred ten percent, the landowners shall pay the
11 fees and costs incurred by the pipeline company. The pipeline
12 company shall file with the sheriff an affidavit setting forth
13 the most recent offer made to the landowner. Commissioners
14 shall receive a per diem ~~of-fifty-dollars~~ at the rate
15 specified in section 7E.6 and actual and necessary expenses
16 incurred in the performance of their official duties. The
17 pipeline company shall also pay all costs occasioned by the
18 appeal, including reasonable attorney fees to be taxed by the
19 court, unless on the trial of the appeal the same or a less
20 amount of damages is awarded than was allowed by the
21 commission from which the appeal was taken.

22 Sec. 10. Section 479A.25, subsection 6, Code 1999, is
23 amended to read as follows:

24 6. The pipeline company shall pay all costs of the
25 assessment made by the commissioners and reasonable attorney
26 fees and costs incurred by the landowner as determined by the
27 commissioners, if the award of the commissioners exceeds one
28 hundred ten percent of the final offer of the pipeline company
29 prior to the determination of damages. If the award does not
30 exceed one hundred ten percent, the landowners shall pay the
31 fees and costs incurred by the pipeline company. The pipeline
32 company shall file with the sheriff an affidavit setting forth
33 the most recent offer made to the landowner. Commissioners
34 shall receive a per diem ~~of-fifty-dollars~~ at the rate
35 specified in section 7E.6 and actual and necessary expenses

1 incurred in the performance of their official duties. The
2 pipeline company shall also pay all costs occasioned by the
3 appeal, including reasonable attorney fees to be taxed by the
4 court, unless on the trial of the appeal the same or a lesser
5 amount of damages is awarded than was allowed by the
6 commission from which the appeal was taken.

7 Sec. 11. Section 479B.30, subsection 6, Code 1999, is
8 amended to read as follows:

9 6. The pipeline company shall pay all costs of the
10 assessment made by the commissioners and reasonable attorney
11 fees and costs incurred by the landowner as determined by the
12 commissioners if the award of the commissioners exceeds one
13 hundred ten percent of the final offer of the pipeline company
14 prior to the determination of damages; if the award does not
15 exceed one hundred ten percent, the landowners shall pay the
16 fees and costs incurred by the pipeline company. The pipeline
17 company shall file with the sheriff an affidavit setting forth
18 the most recent offer made to the landowner. Commissioners
19 shall receive a per diem ~~of fifty dollars~~ at the rate
20 specified in section 7E.6 and actual and necessary expenses
21 incurred in the performance of their official duties. The
22 pipeline company shall also pay all costs occasioned by the
23 appeal, including reasonable attorney fees to be taxed by the
24 court, unless on the trial of the appeal the same or a lesser
25 amount of damages is awarded than was allowed by the
26 commission from which the appeal was taken.

27 EXPLANATION

28 This bill provides that the rate of per diem expenses for
29 boards, committees, commissions, and councils within the
30 executive branch of state government shall be set at the same
31 level as the rate for members of the general assembly.
32 Eighty-six dollars per day is the current per diem rate
33 established for members of the general assembly in Code
34 section 2.10. The bill also provides that necessary travel
35 and actual expenses incurred by a board member governed by

1 Code section 7E.6 shall be provided unless the law governing
2 the member provides otherwise. The per diem rate for a
3 sanitary district trustee, a member of the dual party relay
4 council, and a county compensation commissioner performing
5 duties under Code section 6B.33, 479.46, 479A.25, or 479B.30
6 is also raised to the rate provided legislators.

7 The bill also eliminates any annual dollar limit on per
8 diem reimbursement provided in the Code.

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