

(No. 33)

DRAINAGE AND FLOOD CONTROL (AMENDMENT No. 4)  
LAW, 5724-1964\*

Addition  
of sections  
43A-43C.

1. The following sections shall be inserted after section 43 of the Drainage and Flood Control Law, 5718-1957<sup>1)</sup> :

"Charging of  
drainage  
expenses.

43A. (a) A drainage authority may, with the approval of the Minister of Agriculture and with the consent of the Minister of the Interior, decide that the expenditure of the establishment, alteration or maintenance of a drainage project (all three hereinafter collectively referred to as "drainage operations") or the expenditure estimated in advance of drainage operations be borne wholly or in part, in accordance with quotas fixed in the decision, by the local authorities represented on the drainage authority and by the owners of areas situated in the area of the drainage authority and not included in the area of a local authority.

\* Passed by the Knesset on the 10th Nisan, 5724 (23rd March, 1964) and published in *Sefer Ha-Chukkim* No. 423 of the 20th Nisan, 5724 (2nd April, 1964), p. 76; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 570 of 5723, p. 329.

<sup>1)</sup> *Sefer Ha-Chukkim* of 5718, p. 4 — *LSI* vol. XII, p. 5; *Sefer Ha-Chukkim* of 5719, p. 188 — *LSI* vol. XIII, p. 203; *Sefer Ha-Chukkim* of 5720, p. 10 — *LSI* vol. XIV, p. 10; *Sefer Ha-Chukkim* of 5721, p. 90 — *LSI* vol. XV, p. 89.

(b) The approval of the Minister of Agriculture and the consent of the Minister of the Interior shall not be given until the local authorities concerned have been given an opportunity to present their arguments to the Ministers.

(c) The apportionment of the burden of expenditure in accordance with quotas, as aforesaid, shall, as far as possible, be made with reference to the extent of the enjoyment and benefit each local authority and the owner of each area as aforesaid derive from the drainage operation and to the extent to which the need for the drainage operation has been caused by undertakings, installations and structures situated in its or his area.

(d) A local authority which considers itself aggrieved by the apportionment of the burden of expenditure under this section may object to the decision of the drainage authority before the Water Tribunal within thirty days after being given notice of the decision of the drainage authority; the notice of the decision shall set out, *inter alia*, the dates of the approval of the Minister of Agriculture and the consent of the Minister of the Interior.

Collection  
of quotas  
by local  
authority.

43B. (a) In the area of a local authority required to pay a quota under a decision of the drainage authority by virtue of section 43A, a special drainage rate to cover the expenditure or estimated expenditure, as the case may be, of the drainage operation, shall not be collected; however, to cover the said expenditure, the local authority may impose a charge (hereinafter referred to as a "drainage charge") on the owners of land situated in its area.

(b) A drainage charge shall be imposed in accordance with criteria prescribed by byelaw of the local authority, and notice of the amount of the charge shall be given to those liable to it at such time and in such manner as shall be prescribed by such byelaw; the byelaw shall require also the approval of the Minister of Agriculture.

(c) The criteria shall be prescribed with a view to ensuring that an owner of land who derives no benefit from the drainage operation and whose undertaking, installations and structures situated on the land have not provided a reason for the drainage operation does not have to pay a drainage charge.

(d) A person who considers himself aggrieved by a notice under subsection (b) may object to it before the Water Tribunal within thirty days of the date of service thereof.

(e) A drainage charge shall be collected in like manner as a property rate imposed by the same local authority, and an objection under this section shall not stay the collection thereof.

(f) For the purposes of this section, "owner of land" has the same meaning as in section 36 (d).

Collection of quotas in areas not included in the area of a local authority.

43C. (a) Where a drainage authority has decided to apportion expenditure in accordance with quotas under section 43A, it may, for the purpose of collecting the quota fixed by the decision of the drainage authority for an area not included in the area of a local authority, impose a drainage rate under section 36 (a) (1) in such area.

(b) The Minister of Agriculture and the Minister of the Interior may prescribe by regulations, for the whole of the State or for the area of a particular drainage authority, that instead of rates under subsection (a) the owners, within the meaning of section 36 (d), of land not included in the area of a local authority shall pay charges in accordance with criteria prescribed by the Ministers; the provisions of section 43B shall apply to the determination of the criteria.

(c) Regulations under subsection (b) shall contain provisions as to the manner in which the drainage authority shall give notice of the imposition of the charge, the time of such notice and the conditions of lodging objection to the charge with the Water Tribunal."

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