

3 six (455B.36), and section four hundred fifty-five B point eighty-nine
4 (455B.89), subsection four (4), Code 1973, are repealed.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 262

WATER QUALITY COMMISSION

H. F. 762

AN ACT to appropriate any moneys in the operators certification fund of the water quality commission to the department of environmental quality.

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

1 SECTION 1. Section four hundred fifty-five B point sixty-one
2 (455B.61), Code 1973, is amended to read as follows:
3 455B.61 Fee. The executive director, with the approval of the
4 board submitted through the commission, is authorized to charge a fee
5 for certificates issued under the provisions of this part 2 of division
6 III, but such fees shall not exceed five dollars for an initial certificate,
7 nor more than three dollars for the annual renewal certificate. All such
8 fees collected shall be remitted to the treasurer of state, who shall hold
9 such moneys in a special fund to be known as the "operators certifica-
10 tion fund"; . *Any moneys in the operators certification fund are*
11 *appropriated to the department to be used by the department to*
12 *administer and enforce the provisions of said part and to pay the*
13 *expenses of the board. Such fund shall be subject at all times to the*
14 *warrant of the state comptroller, drawn upon written requisition of*
15 *the executive director.*

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 263

EMINENT DOMAIN APPEAL

H. F. 116

AN ACT relating to the appeal of a condemnation award.

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

1 SECTION 1. Section four hundred seventy-two point twenty-one
2 (472.21), Code 1973, is amended by striking the section and inserting
3 in lieu thereof the following:
4 472.21 Appeals—how docketed and tried. The appeal shall be
5 docketed in the name of the person appealing and all other interested
6 parties to the action shall be defendants. In the event the condemnor
7 and the condemnee appeal, the appeal shall be docketed in the name
8 of the appellant which filed the application for condemnation and all

9 other parties to the action shall be defendants. The appeal shall be
10 tried as in an action by ordinary proceedings.

Approved May 15, 1973.

CHAPTER 264

EMINENT DOMAIN

H. F. 741

AN ACT relating to eminent domain.

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

1 SECTION 1. Chapter four hundred seventy-two (472), Code 1973,
2 is amended by adding the following new section:

3 NEW SECTION. In any condemnation proceedings instituted under
4 this chapter by the state highway commission in any court of the state
5 wherein the property owner has delivered proper notice of appeal to
6 the sheriff of the proper county with the intent that it be served im-
7 mediately upon the person selected by the owner from among those
8 persons designated for such service in section four hundred seventy-
9 two point nineteen (472.19) of the Code, the delivery of the notice of
10 appeal to the sheriff shall be deemed a commencement of the appeal
11 proceedings. If the sheriff, after delivery to him of notice of appeal,
12 fails or is unable to serve the notice of appeal upon such designated
13 person within the statutory period required under section four hun-
14 dred seventy-two point eighteen (472.18) of the Code, such inability
15 or failure shall not deprive the court of jurisdiction of the appeal if
16 the property owner shall, within twenty days after delivery of notice
17 of appeal to the sheriff, make application for further direction as to
18 service to the proper district court as provided by section four hundred
19 seventy-two point nineteen (472.19) of the Code.

1 SEC. 2. Any condemnation proceeding pending or filed subsequent
2 to December 1, 1971 which has been dismissed by reason of the failure
3 to serve notice of appeal on a person as selected from among the three
4 persons designated in section four hundred seventy-two point nineteen
5 (472.19) of the Code, within the statutory period required under sec-
6 tion four hundred seventy-two point eighteen (472.18) of the Code,
7 shall be reinstated by the court wherein such proceeding was dismissed,
8 after notice and hearing as prescribed by the court.

Approved July 12, 1973.

This Act was passed by the G. A. before July 1, 1973.