

February 6, 1967  
Passed on File  
*On calendar 2-7*

Senate File 161  
By JUDICIARY COMMITTEE

Passed Senate, Date 2-15-67  
Vote: Ayes 52 Nays 5

Passed House, Date 6-27-67  
Vote: Ayes 87 Nays 14

Approved \_\_\_\_\_

*Motion to refer to committee failed 12-14-66, 2-15*

*Passed Senate as amended by House 6-30 43-3.*

*Motion to reconsider filed 8-27 " " withdrawn 8-28 Passed House as amended by Senate 6-30; 81-25.*

# A BILL FOR

An Act to amend chapter three hundred fourteen (314), Code 1966, relating to entry upon private property for surveys.

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

1 Section 1. Chapter three hundred fourteen (314), Code  
2 1966, is hereby amended by striking all of section three  
3 hundred fourteen point nine (314.9) and inserting in lieu  
4 thereof the following:

5 "The board or commission in control of any highway or  
6 highway system or the engineer, or any other authorized  
7 person employed by said board or commission, may after  
8 written notice to the owner and occupant, enter upon pri-  
9 vate land for the purpose of making surveys, soundings,  
10 drillings, appraisals and examinations as it deems appro-  
11 priate or necessary to determine the advisability or  
12 practicability of locating and constructing a highway  
13 thereon or for the purpose of determining whether gravel or  
14 other material exists on said land of suitable quality and  
15 in sufficient quantity to warrant the purchase or condem-  
16 nation of said land or part thereof. Such entry, after  
17 notice, shall not be deemed a trespass, and the board or  
18 commission may be aided by injunction to insure peaceful  
19 entry. The board or commission shall pay actual damages  
20 caused by such entry, surveys, soundings, drillings, ap-  
21 praisals or examinations."

1 Sec. 2. Any damage caused by such entry, surveys, sound-  
2 ings, drillings, appraisals or examinations shall be de-

3 terminated by agreement or in the manner provided for the  
 4 award of damages in condemnation of land for highway pur-  
 5 poses. No such prospecting, soundings, or drillings shall  
 6 be done within twenty rods of the dwelling house or build-  
 7 ings on said land without written consent of owner.

1 Amend S.F. 161, Section 2, line 5 by striking the words "pros-  
 2 pecting, soundings, or drillings" and inserting in lieu there-  
 3 of the words "soundings or drillings".

Filed - *Adopted 2-15*  
 February 13, 1967

By O'MALLEY

1 Amend Senate File 161 by striking all after the  
 2 enacting clause and inserting in lieu thereof the  
 3 following:  
 4 Section 1. Section three hundred fourteen point nine  
 5 (314.9), Code 1966, is hereby repealed and the following  
 6 enacted in lieu thereof:  
 7 "The board in control of any highway or highway system  
 8 or the engineer, or any other authorized person employed  
 9 by said board, may after thirty days written notice by  
 10 restricted certified mail addressed to the owner and also  
 11 to the occupant, enter upon private land for the purpose  
 12 of making surveys, soundings, drillings, appraisals and  
 13 examinations as it deems appropriate or necessary to  
 14 determine the advisability or practicability of  
 15 locating and constructing a highway thereon or for the  
 16 purpose of determining whether gravel or other material  
 17 exists on said land of suitable quality and in sufficient  
 18 quantity to warrant the purchase or condemnation of said  
 19 land or part thereof. Such entry, after notice, shall not  
 20 be deemed a trespass, and the board may be aided by  
 21 injunction to insure peaceful entry. The board shall pay  
 22 actual damages caused by such entry, surveys, soundings,  
 23 drillings, appraisals or examinations.  
 24 "Any damage caused by such entry, surveys, soundings,  
 25 drillings, appraisals or examinations shall be determined  
 26 by agreement or in the manner provided for the  
 27 award of damages in condemnation of land for highway  
 28 purposes. No such soundings or drillings shall be  
 29 done within twenty rods of the dwelling house or  
 30 buildings on said land without written consent of  
 31 owner."

Filed  
 June 29, 1967

*Senate concurred as amended 6-30*

1 Amend Senate File 161 by striking all after the enacting  
2 clause and inserting in lieu thereof the following:

3 Section 1. Section three hundred fourteen point nine  
4 (314.9), Code 1966, is hereby repealed and the following  
5 enacted in lieu thereof:

6 "The board or commission in control of any highway or  
7 highway system or the engineer, or any other authorized per-  
8 son employed by said board or commission, may after thirty  
9 days written notice by restricted certified mail addressed  
10 to the owner and also to the occupant, enter upon private  
11 land for the purpose of making surveys, soundings, drillings,  
12 appraisals and examinations as it deems appropriate or nec-  
13 essary to determine the advisability or practicability of  
14 locating and constructing a highway thereon or for the  
15 purpose of determining whether gravel or other material  
16 exists on said land of suitable quality and in sufficient  
17 quantity to warrant the purchase or condemnation of said  
18 land or part thereof. Such entry, after notice, shall not  
19 be deemed a trespass, and the board or commission may be  
20 aided by injunction to insure peaceful entry. The board or  
21 commission shall pay actual damages caused by such entry,  
22 surveys, soundings, drillings, appraisals or examinations.

23 "Any damage caused by such entry, surveys, soundings,  
24 drillings, appraisals or examinations shall be determined  
25 by agreement or in the manner provided for the award of  
26 damages in condemnation of land for highway purposes. No  
27 such soundings or drillings shall be done within twenty  
28 rods of the dwelling house or buildings on said land with-  
29 out written consent of owner."

Filed - *Adopted as amended 6-27*  
June 7, 1967

CAMP of Clinton.

1 Amend the Camp amendment to Senate File 161, filed  
2 June 7, as follows:

3 1. Line six (6), by striking the words "or commission"  
4 and inserting in lieu thereof the words "of supervisors".

5 2. Lines eight (8) and nineteen (19), by striking the  
6 words "or commission" in each instance.

7 3. Lines twenty (20) and twenty-one (21), by striking  
8 the words "or commission".

Filed - *Adopted 6-27*  
June 26, 1967

BAILEY of Wright.

FISCHER of Grundy.

EDGINGTON of Franklin.

1 Amend the Camp amendment to Senate File 161, filed  
2 June 7, as follows:

3 1. By striking in line six (6) the words "or  
4 commission" and inserting in lieu thereof the words "of  
5 supervisors".

6 2. Lines seven (7) and eight (8) by striking the  
7 words "or the engineer, or any other authorized person  
8 employed by said board or commission,".

9 3. Line nineteen (19) by striking the words "or  
10 commission,".

11 4. Lines twenty (20) and twenty-one (21) by  
12 striking the words "or commission".

Filed - *Withdrawn 6-27*  
June 23, 1967

BAILEY of Wright.

FISCHER of Grundy.

EDGINGTON of Franklin.

1 Amend Senate File 161, Section one (1) by striking the  
2 words "actual damages" in line nineteen (19) and inserting  
3 in lieu thereof the words: "actual or consequential damages,  
4 or both, based upon fair market value,".

Filed - *Withdrawn 6-27*  
March 9, 1967

By FISCHER of Grundy

- 1 Amend Senate File 161, Section 1, as follows:  
2 1. Line five (5) by striking the words "or Commission"  
3 and inserting in lieu thereof the words "of Supervisors".  
4 2. Lines six (6) and seven (7) by striking the words  
5 "or the engineer, or any other authorized person employed  
6 by said board or commission,".  
7 3. Line seventeen (17) by striking the word "or".  
8 4. Line eighteen (18) by striking the word "commission".  
9 5. Line nineteen (19) by striking the words "or  
10 commission".

Filed - *Withdrawn 6-27*  
June 15, 1967

BAILEY of Wright.  
FISCHER of Grundy.  
EDGINGTON of Franklin.

- 1 Amend the House amendment to Senate File 161  
2 as follows:  
3 1. By inserting after the word "board" in line  
4 seven (7) the words "or commission".  
5 2. By inserting after the word "board" in line  
6 nine (9) the words "or commission".  
7 3. By inserting after the word "board" in line  
8 twenty (20) the words "or commission".  
9 4. By inserting after the word "board" in line  
10 twenty-one (21) the words "or commission".

Filed and adopted  
June 30, 1967

*House Concurred*  
6-30

*Senate*  
By FROMMELT