

February 2, 1970
Passed on File

SENATE FILE 1171

By COMMITTEE ON COUNTY GOVERNMENT
(Holden, Stromer and Gannon)

Passed Senate, Date.....2-6-70..... Passed House, Date.....

Vote: Ayes.....57..... Nays.....0..... Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

1 An Act relating to determining compensation in eminent domain
2 proceedings.

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

4 Section 1. Section four hundred seventy-two point four
5 (472.4), Code 1966, is hereby repealed and the following
6 enacted in lieu thereof:

7 "Annually the board of supervisors of a county shall ap-
8 point not less than twenty-four resident freeholders of the
9 county and the names of such persons shall be placed on a
10 list and they shall be eligible to serve as members of a
11 compensation commission. One-third of the persons appointed
12 shall be owners of agricultural property, one-third shall be
13 licensed real estate salesmen or real estate brokers, and
14 one-third shall be persons having knowledge of property
15 values in the county.

16 Except as otherwise provided, the chief judge of the dis-
17 trict court of the county shall appoint six persons from the
18 list, two from each representative group, who shall not pos-
19 sess any interest in the proceeding which would cause such
20 person to render a biased decision, who shall constitute a
21 compensation commission to assess the damages to all real
22 estate to be taken by the applicant and located in the county."

23 Sec. 2. Section four hundred seventy-two point five (472.5),
24 Code 1966, is hereby amended as follows:

25 1. By striking from line two (2) the word "sheriff" and

1 inserting in lieu thereof the words "chief judge".

2 2. By striking lines three (3), four (4), and five (5), and
3 inserting the words "appoint another person from the list, pos-
4 sessed the same qualifications as the person who is being re-
5 placed to complete the membership of the commission."

6 Sec. 3. Section four hundred seventy-two point six (472.6),
7 Code 1966, is hereby amended by striking lines six (6) through
8 sixteen (16), inclusive, and inserting in lieu thereof the
9 following: "shall appoint six persons from the list prepared
10 by the county board of supervisors of the county in which the
11 affected property is located. Two of the persons shall be
12 owners of agricultural property, two shall be licensed real
13 estate salesmen or brokers, and two shall be persons having
14 knowledge of property values in the county. A person appointed
15 as a condemnation commissioner shall not possess any interest
16 in the proceeding which would cause such person to render a
17 biased decision. The six persons shall constitute a compensa-
18 tion commission. The chief justice shall return a list of
19 persons appointed to be filed with the sheriff. The chief
20 justice shall replace persons on the commission in the same
21 manner as they are replaced in section four hundred seventy-
22 two point five (472.5) of the Code."

23 Sec. 4 Section four hundred seventy-two point thirty-
24 three (472.33), Code 1966, is hereby amended by inserting
25 in line three (3) after the word "commissioners" the words
26 "and reasonable attorney fees and other reasonable expenses
27 incurred as determined by the commissioners if the award of
28 the commissioners exceeds one hundred ten percent of the
29 final offer of the applicant prior to condemnation. The ap-
30 plicant shall file with the sheriff an affidavit setting
31 forth the most recent offer made to the person whose prop-
32 erty is sought to be condemned. Members of such commissions
33 shall receive a per diem of fifty dollars and actual and
34 necessary expenses incurred in the performance of their of-
35 ficial duties".

1 Sec. 5. Chapter four hundred seventy-two (472), Code 1966,
2 is hereby amended by adding thereto the following new section:
3 “Written instructions for members of compensation commis-
4 sions shall be prepared under the direction of the chief jus-
5 tice of the supreme court and distributed to the sheriff in
6 each county. The sheriff shall transmit copies of the in-
7 structions to each member of a compensation commission, and
8 such instructions shall be read aloud to each commission be-
9 fore it commences its duties.”

EXPLANATION

Section 1 provides that the board of supervisors in each county appoint a pool of twenty-four persons for possible members of compensation commissions. One-third of the persons are required to be owners of agricultural property, one-third licensed real estate salesmen or brokers, and one-third persons having knowledge of property values in the county. It provides that the chief judge of the district court of the county will appoint six disinterested persons to serve as members of a compensation commission. The compensation commission members shall be appointed in the same proportion as members of the original pool.

Section 2 requires a chief judge of the district court to fill vacancies from the list by appointing another person who possess the same qualifications as the persons whose vacancy is being filled.

Section 3 provides that the Chief Justice of the Supreme Court shall appoint members of the compensation commission from the list prepared by the county supervisors of the affected county. Persons shall be appointed in the same ratio as members of compensation commissions appointed by the sheriff. It requires that members of state compensation commissions be from the affected county rather than being from different counties.

Section 4 requires that the applicant pay reasonable attorney fees and other expenses incurred at compensation hearings if the award of the commissioners exceeds 110% of the final offer of the applicant as determined by the commissioners. The applicant is required to file with the sheriff an affidavit setting forth the most recent offer made to the person whose property is sought to be condemned. It also requires that members of compensation commissions be paid \$50 per day plus actual and necessary expenses.

Section 5 provides for the preparation of uniform instructions for members of comensation commissions.

1 Amend Senate File 1171 as follows: *Adopted 2-6*
2 1. Page 1, line 16, by striking the words "Except as other-
3 wise provided, the" and inserting in lieu thereof the word
4 "The".
5 2. Page 2, by striking lines 7 through 22, inclusive, and
6 inserting in lieu thereof the words "Code 1966, is hereby
7 repealed."

Filed - *Adopted 2-6*
February 4, 1970

By SHAFF and CLARKE

1 Amend Senate File 1171, page 2, by striking from line 23
2 the word "fifty" and inserting in lieu thereof the word
3 "thirty".

Filed - *Lost 2-6*
February 5, 1970

By MESSERLY, BALLOUN and LAVERTY

1 Amend Senate File 1171, page 2, line 26, by striking the
2 words "other reasonable expenses" and inserting in lieu thereof
3 the word "costs".

Filed - *Adopted 2-6*
February 5, 1970

By DENMAN

1 Amend Senate File 1171, page 3, by adding the
2 following section after line 9:
3 This Act being deemed of immediate importance shall
4 be in full force and effect from and after its final
5 approval and publication in the Belmond Independent,
6 a newspaper published at Belmond, Iowa, and The DeWitt
7 Observer, a newspaper published at DeWitt, Iowa.

Filed - *Lost 2-6*
February 4, 1970

By CLARKE and SHAFF

1 Amend Senate File 1171 by adding after page 3, line
2 9, the following section:
3 Section four hundred seventy-two point three (473.3),
4 Code 1966, is hereby amended by striking from line three
5 (3) the word "sheriff" and inserting in lieu thereof the
6 words "chief judge of the district court".

Filed - *Adopted 2-6, Reconsidered & Withdrawn 2-6*
February 4, 1970

By BRILES

- 1 Amend the Shaff amendment dated February 6, 1970, to Senate
- 2 File 1171, as follows:
- 3 1. Line 5, by striking the word "twenty-eight" and inserting
- 4 in lieu thereof "twenty-four".
- 5 2. By adding the following new division:
- 6 "2. Page 1, line 17, by striking the words "appoint six"
- 7 and inserting in lieu thereof the words "select by lot eight".

Filed and adopted
February 6, 1970

By GAUDINEER

- 1 Amend Senate File 1171 as follows:
- 2 1. Part 1, lines 16 and 17, by striking the words "district *adpt*
- 3 court of the county" and inserting in lieu thereof the following:
- 4 "judicial district".
- 5 2. Page 2, line 1, by inserting after the word "judge" the words *adpt*
- 6 "of the judicial district".
- 7 3. Page 3, by adding after line 9 the following new section:
- 8 "Section four hundred seventy-two point three (472.3),
- 9 Code 1966, is hereby amended by striking from line three (3)
- 10 the word "sheriff" and inserting in lieu thereof the words
- 11 "chief judge of the judicial district".

Filed and adopted
February 6, 1970

By BRILES

- 1 Amend Senate File 1171 as follows:
- 2 1. By inserting on page 1, line 15, after the
- 3 word, "county" the sentence:
- 4 "If the county contains a city of fifty
- 5 thousand or more in population, an additional eight
- 6 resident freeholders shall be appointed whom shall
- 7 be owners of property within a city in such county."
- 8 2. By striking on page 1, line 17, the words,
- 9 "shall appoint six persons" and insert in lieu thereof
- 10 the words, "select by lot six persons, or eight
- 11 persons if such property is in a county containing
- 12 a city with a population of fifty thousand or more,".
- 13 3. By striking on page 2, line 9, the word "appoint,"
- 14 and inserting in lieu thereof the words, "select
- 15 by lot".
- 16 4. By inserting on page 2, line 14, after the period
- 17 (.) the following new sentence:
- 18 "In the event the county contains a city of
- 19 fifty thousand or more in population an additional two
- 20 persons shall be selected from the resident freeholders
- 21 who own property within a city in such county".

Filed and divisions 1, 2, and 3 withdrawn
February 6, 1970

By GAUDINEER

February 9, 1970

SENATE FILE 1171

Pass per amendments 2-25

By COMMITTEE ON COUNTY GOVERNMENT
(Holden, Stromer, and Gannon)
(AS PASSED BY THE SENATE)

Passed Senate, Date *2-6-70* Passed House, Date *2-7-70*

Vote: Ayes *57* Nays *6* Vote: Ayes *57* Nays *6*

Approved *April 6, 1970*

*Passed as amended by House
and further amended by Senate
3-24-70
aye 56, nay 0*

motion recommended filed 3/5, prevailed 3/13

*Passed 3-13-70
aye 97-0*

A BILL FOR

*Passed as further
amended by Senate
3-30-70
aye 72, nay 0*

1 An Act relating to determining compensation in eminent domain
2 proceedings.

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

4 Section 1. Section four hundred seventy-two point four
5 (472.4), Code 1966, is hereby repealed and the following
6 enacted in lieu thereof:

7 "Annually the board of supervisors of a county shall
8 appoint not less than twenty-four resident freeholders of
9 the county and the names of such persons shall be placed on
10 a list and they shall be eligible to serve as members of
11 a compensation commission. One-fourth of the persons appoint-
12 ed shall be owners of agricultural property, one-fourth of
13 the persons appointed shall be owners of city or town
14 property, one-fourth shall be licensed real estate salesmen
15 or real estate brokers, and one-fourth shall be persons
16 having knowledge of property values in the county.

17 The chief judge of the judicial district shall
18 select by lot eight persons from the
19 list, two from each representative group, who shall not pos-
20 sess any interest in the proceeding which would cause such
21 person to render a biased decision, who shall constitute a
22 compensation commission to assess the damages to all real
23 estate to be taken by the applicant and located in the county."

24 Sec. 2. Section four hundred seventy-two point five (472.5),
25 Code 1966, is hereby amended as follows:

1 1. By striking from line two (2) the word "sheriff" and
2 inserting in lieu thereof the words "chief judge of the judicial dis-
3 trict".

4 2. By striking lines three (3), four (4), and five (5), and
5 inserting the words "appoint another person from the list, pos-
6 sessed the same qualifications as the person who is being re-
7 placed to complete the membership of the commission."

8 Sec. 3. Section four hundred seventy-two point six (472.6),
9 Code 1966, is hereby repealed.

10 Sec. 4. Section four hundred seventy-two point thirty-
11 three (472.33), Code 1966, is hereby amended by inserting
12 in line three (3) after the word "commissioners" the words
13 "and reasonable attorney fees and costs
14 incurred as determined by the commissioners if the award of
15 the commissioners exceeds one hundred ten percent of the
16 final offer of the applicant prior to condemnation. The ap-
17 plicant shall file with the sheriff an affidavit setting
18 forth the most recent offer made to the person whose prop-
19 erty is sought to be condemned. Members of such commissions
20 shall receive a per diem of fifty dollars and actual and
21 necessary expenses incurred in the performance of their of-
22 ficial duties".

23 Sec. 5. Chapter four hundred seventy-two (472), Code 1966,
24 is hereby amended by adding thereto the following new section:

25 "Written instructions for members of compensation commis-
26 sions shall be prepared under the direction of the chief jus-
27 tice of the supreme court and distributed to the sheriff in
28 each county. The sheriff shall transmit copies of the in-
29 struction to each member of a compensation commission, and
30 such instructions shall be read aloud to each commission be-
31 fore it commences its duties."

32 Sec. 6. Section four hundred seventy-two point three
33 (472.3), Code 1966, is hereby amended by striking from line
34 three (3) the word "sheriff" and inserting in lieu thereof
the words "chief judge of the judicial district".

EXPLANATION

Section 1 provides that the board of supervisors in each county appoint a pool of twenty-four persons for possible members of compensation commissions. One-third of the persons are required to be owners of agricultural property, one-third licensed real estate salesmen or brokers, and one-third persons having knowledge of property values in the county. It provides that the chief judge of the district court of the county will appoint six disinterested persons to serve as members of a compensation commission. The compensation commission members shall be appointed in the same proportion as members of the original pool.

Section 2 requires a chief judge of the district court to fill vacancies from the list by appointing another person who possess the same qualifications as the persons whose vacancy is being filled.

Section 3 provides that the Chief Justice of the Supreme Court shall appoint members of the compensation commission from the list prepared by the county supervisors of the affected county. Persons shall be appointed in the same ratio as members of the compensation commissions appointed by the sheriff. It requires that members of state compensation commissions be from the affected county rather than being from different counties.

Section 4 requires that the applicant pay reasonable attorney fees and other expenses incurred at compensation hearings if the award of the commissioners exceeds 110 percent of the final offer of the applicant as determined by the commissioners. The applicant is required to file with the sheriff an affidavit setting forth the most recent offer made to the person whose property is sought to be condemned. It also requires that members of compensation commissions be paid \$50 per day plus actual and necessary expenses.

Section 5 provides for the preparation of uniform instructions for members of compensation commissions.

HOUSE AMENDMENT TO SENATE FILE 1171

- 1 Amend Senate File 1171, as passed by the Senate and
2 reprinted, as follows:
3 1. Page 1, line 8, by striking the word "twenty-four" and
4 inserting in lieu thereof the word "twenty-eight".
5 2. Page 1, line 8, by striking the word "freeholders".
6 3. Page 1, line 12, by striking the word "owners" and
7 inserting in lieu thereof the word "owner-operators".
8 4. Page 1, line 16, after the word "county" by inserting
9 the words "by reason of their occupation, such as bankers,
10 auctioneers, property managers, property appraisers, and
11 persons responsible for making loans on property".
12 5. Page 1, line 18, by striking the word "eight" and
13 inserting in lieu thereof the word "six".
14 6. Page 1, line 19, by striking the words "two from each
15 representative group, who shall not", and inserting in lieu
16 thereof the words "two persons who are owner-operators of
17 agricultural property when the property to be condemned is
18 agricultural property; two persons who are owners of city or
19 town property when the property to be condemned is other than
20 agricultural property; and two persons from each of the
21 remaining two representative groups, and shall name a chairman
22 from the persons selected. No member of the compensation
23 commission selected shall".
24 7. Page 2, line 13, by inserting after the word "incurred"
25 the words "by the condemnee".
26 8. By adding at the end thereof the following new section:
27 Sec. 7. When real property or an interest therein is
28 purchased or condemned for highway purposes and a fence or
29 building is located on such property, the governmental
30 agency shall be responsible for all costs incurred by the
31 property owner in replacing or moving the fence or moving
32 the building onto property owned by the landowner and
33 abutting the property purchased or condemned for highway
34 purposes, or the governmental agency may replace or move
35 the fence or move the building. Such costs shall not
36 constitute an additional element of damages which would
37 permit unjust enrichment or a duplication of payments to
38 any condemnee.

*Senate
concerned in
amendment on
amended 3/24*

March 18, 1970

- 1 Amend the House amendment to Senate File 1171 by striking all
2 of line 5 and inserting in lieu thereof the following:
3 "2. Page 1, line 8, by striking 'resident freeholders'
4 and inserting in lieu thereof the word 'residents'."

Filed - *Adopted* 3/24
March 18, 1970

By BRILES

1 Amend Senate File 1171, as passed by the Senate and reprinted,
2 as follows:
3 1. Page 1, line 8, by striking the word "twenty-four"
4 and inserting in lieu thereof the word "twenty-eight".
5 2. Page 1, line 16, after the word "county" by inserting
6 the words "by reason of their occupation, such as bankers,
7 auctioneers, property managers, property appraisers, and persons
8 responsible for making loans on property".
9 3. Page 1, line 18, by striking the word "eight" and
10 inserting in lieu thereof the word "six".
11 4. Page 1, line 19, by striking the words "two from each
12 representative group, who shall not", and inserting in lieu thereof
13 the words "two persons who are owner-operators of agricultural
14 property when the property to be condemned is agricultural property;
15 two persons who are owners of city or town property when the prop-
erty
16 to be condemned is other than agricultural property; and two persons
17 from each of the remaining two representative groups, and shall
name
18 a chairman from the persons selected. No member of the compensa-
tion
19 commission selected shall".
20 Page 2, line 13, by inserting the word "incurred"
21 the words "by the condemnee".

Filed - *admitted 3/5*
February 25, 1970

COMMITTEE ON COMMERCE
HAROLD FISCHER, Chairman

1 Amend Senate File 1171, as passed by the Senate, page 1, line 8,
2 by striking the word "freeholders".

Offered from the floor and adopted
March 5, 1970
In: Commerce

GOODE of Appanoose-Davis

1 Amend the Priebe amendment to Senate File 1171,
2 filed February 18, 1970, by inserting after the period
3 in line 12 the words "Such costs shall not constitute
4 an additional element of damages which would permit
5 unjust enrichment or a duplication of payments to any
6 condemnee."

Filed - *adopted 3/13*
March 12, 1970

HOLDEN of Scott

SENATE AMENDMENT TO THE HOUSE AMENDMENT TO
SENATE FILE 1171

1 Amend the House amendment to Senate File 1171 by striking all of
2 line 5 and inserting in lieu thereof the following:
3 "2. Page 1, line 8, by striking 'resident freeholders'
4 and inserting in lieu thereof the word 'residents'."

Received from the Senate
March 25, 1970

*House
concurring
3/30*

1 Amend Senate File 1171, as amended and passed by the Senate,
2 by striking in section one (1), lines seven (7) through sixteen (16)
3 and inserting in lieu thereof the following: "Annually the board of
4 supervisors of a county shall appoint not less than eighteen resident
5 freeholders of the county and the names of such persons shall be
6 placed on a list and they shall be eligible to serve as members of a
7 compensation commission. One-third of the persons appointed shall be
8 owners of agricultural property, one-third of the persons appointed
9 shall be owners of city or town property, and one-third shall be
10 licensed real estate salesmen or real estate brokers."
11 Further amend Senate File 1171, section one (1), in line eighteen
(18) by striking
12 the word "eight" and inserting in lieu thereof the word "six".

Filed - *Withdrawn 3/5*
February 17, 1970

KOCH of Woodbury

1 Amend Senate File 1171, as amended and passed by the
2 Senate, by adding at the end thereof the following new
3 section:
4 When real property or an interest therein is purchased
5 or condemned for highway purposes and a fence or building is
6 located on such property, the governmental agency shall be
7 responsible for all costs incurred by the property owner in
8 replacing or moving the fence or moving the building onto
9 property owned by the landowner and abutting the property
10 purchased or condemned for highway purposes, or the govern-
11 mental agency may replace or move the fence or move the
12 building.

Filed - *Adopted 3/5, Reconsidered and adopted as amended 3/13*
February 18, 1970

PRIEBE of Kossuth

1 Amend Senate File 1171, as passed by the Senate and
2 reprinted, as follows:
3 Page 1, line 12, by striking the word "owners" and
4 inserting in lieu thereof the word "owner-operators".

Filed - *Adopted 3/5*
February 25, 1970

KOCH of Woodbury

SENATE FILE 1171

1 Amend Senate File 1171 by striking all after the enacting
2 clause and inserting in lieu thereof the following:

3 Section 1. Section four hundred seventy-two point three
4 (472.3), Code 1966, is amended by striking from line three (3) the
5 word "sheriff" and inserting in lieu thereof the words "clerk
6 of the district court".

7 Sec. 2. Section four hundred seventy-two point four (472.4),
8 Code 1966, is hereby repealed and the following enacted in lieu
9 thereof:

10 "Annually the board of supervisors of a county shall
11 appoint not less than twenty-eight resident freeholders of
12 the county and the names of such persons shall be placed on
13 a list and they shall be eligible to serve as members of a
14 compensation commission. One-fourth of the persons appointed
15 shall be owners of agricultural property, one-fourth of the
16 persons appointed shall be owners of city or town property,
17 one-fourth shall be licensed real estate salesmen or real estate
18 brokers, and one-fourth shall be persons having knowledge of
19 property values in the county.

20 Except as otherwise provided, the clerk of the district
21 court of the county shall select six persons from the list,
22 two from the agricultural or city or town group according to
23 the location of property, and two from each of the other two
24 groups, who shall not possess any interest in the proceeding
25 which could cause such person to render a biased decision.
26 The clerk of the district court shall make his selection from
27 each group in the same manner that he selects petit jurors.
28 The six persons selected shall constitute a compensation
29 commission to assess the damages to all real estate and the
30 value thereof to be taken by the applicant and located within
31 the county."

32 Sec. 3. Section four hundred seventy-two point five
33 (472.5), Code 1966, is hereby amended as follows:

34 1. By striking from line two (2) the word "sheriff"
35 and inserting in lieu thereof the words "clerk" of the district
36 court".

37 2. By striking lines three (3), four (4), and five (5),
38 and inserting the words "appoint another person from the list,
39 possessing the same qualifications as the person who is being
40 replaced to complete the membership of the commission".

41 Sec. 4. Section four hundred seventy-two point six (472.6),
42 Code 1966, is hereby repealed and the following inserted in
43 lieu thereof:

44 "The chief judge of the district in which the property is
45 located shall appoint a hearing commissioner who shall preside
46 over the compensation commission. He shall instruct the compen-
47 sation commission regarding their duties to inspect the property
48 and the assessment of compensation and damages. The applicant
49 shall present at said hearing the offer which has been made the
50 condemnee together with any information showing the basis of

51 computing the offer and any records of appraisal used by the
52 applicant. The condemnee may present any appraisal records,
53 information, witnesses or opinions regarding the value
54 of the land and damages resulting from the taking. The
55 party shall have the right of cross examination. The hearing
56 commissioner and the compensation commission shall also have
57 the right to raise any question for purposes of explanation.

58 The hearing commissioner shall file a written report of
59 the hearing and the findings and assessment of the condemnation
60 commission with the clerk of the district court within five
61 days.

62 The proceedings shall be conducted according to the rules
63 of civil procedure so far as applicable, or as may be provided
64 by the supreme court.

65 The hearing commissioner shall receive from funds to be
66 provided by the applicant, the sum of one hundred dollars for
67 each hearing and any additional allowances made by the chief
68 judge."

96 Sec. 5. Section four hundred seventy-two point seven
70 (472.7), Code 1966, is hereby amended by striking from line
71 three (3) the word "sheriff" and inserting in lieu thereof
72 the words "clerk of the district court".

73 Sec. 6. Section four hundred seventy-two point eight
74 (472.8), Code 1966, is hereby amended by striking from line
75 seven (7) the word "ten" and inserting in lieu thereof the
76 word "thirty".

77 Sec. 7. Section four hundred seventy-two point eleven
78 (472.11), Code 1966, is hereby amended by striking from line
79 four (4) the words "sheriff. The sheriff" and inserting in
80 lieu thereof the words "clerk of the district court. The
81 clerk."

82 Sec. 8. Section four hundred seventy-two point fourteen
83 (472.14), Code 1966, is hereby amended by striking from lines
84 five, (5), six (6), and seven (7) the following words"; and
85 they shall file their written report with the sheriff" and insert-
86 ing in lieu thereof the words "which assessment shall be made
87 at the time of the hearing before the hearing commissioner".

88 Sec. 9. Section four hundred seventy-two point fifteen
89 (472.15), Code 1966, is amended by striking from line six
90 (6) the word "sheriff" and inserting in lieu thereof the words
91 "clerk of the district court".

92 Sec. 10. Section four hundred seventy-two point eighteen
93 (472.18), Code 1966, is amended by striking from line five (5)
94 the word "sheriff" and inserting in lieu thereof the words
95 "clerk of the district court".

96 Sec. 11. Section four hundred seventy-two point twenty
97 (472.20), Code 1966, is hereby repealed.

98 Sec. 12. Section four hundred seventy-two point twenty-
99 five (472.25), Code 1966, is amended as follows:

100 1. By striking from lines one (1) and two (2) the
101 words "Upon the filing of the commissioners' report with the
102 sheriff, the" and inserting in lieu thereof the word "The".

103 2. By striking from line three (3) the word "sheriff"
104 and inserting in lieu thereof the words "clerk of the district
105 court".

106 3. By striking from line thirteen (13) the word "sheriff"
107 and inserting in lieu thereof the word "clerk".

108 Sec. 13. Section four hundred seventy-two point thirty
109 (472.30), Code 1966, is amended as follows:

110 1. By striking from line six (6) the word "sheriff"
111 and inserting in lieu thereof the word "clerk".

112 2. By striking from line nine (9) the word "sheriff"
113 and inserting in lieu thereof the word "clerk".

114 Sec. 14. Section four hundred seventy-two point thirty-
115 one (472.31), Code 1966, is amended as follows:

116 1. By striking from line three (3) the words "sheriff,
117 or".

118 2. By striking from line four (4) the words ", as the
119 case may be,".

120 Sec. 15. Section four hundred seventy-two point thirty-
121 three, (472.33), Code 1966, is hereby amended by inserting in
122 line three (3) after the word "commissioners" the words "and
123 reasonable attorney and appraisal fees and other reasonable
124 expenses as determined by the hearing commissioner if the award
125 of the compensation commission exceeds one hundred and ten
126 per cent of the final offer of the applicant prior to
127 condemnation, which offer shall have been filed with the
128 hearing commissioner. Members of such compensation commission
129 shall receive a per diem of fifty dollars and actual and
130 necessary expenses incurred in performance of their official
131 duties. In the event of any disagreement over the fees
132 and expenses to be allowed by the hearing commissioner,
133 they shall be determined by the chief judge of the district
134 court".

135 Sec. 16. Section four hundred seventy-two point
136 thirty-four (472.34), Code 1966, is hereby amended by
137 striking from lines seven (7) and eight (8) the words
138 "fees to be taxed by the court" and inserting in lieu thereof
139 "and appraisal fees to be taxed by the court in addition to
140 those provided for by section four hundred seventy-two point
141 thirty-three (472.33) of the Code".

142 Sec. 17. Section four hundred seventy-two point thirty-
143 five (472.35), Code 1966, is amended by striking from line
144 one (1) the word "sheriff" and inserting in lieu thereof the
145 words "clerk of the district court".

146 Sec. 18. Section four hundred seventy-two point thirty-
147 six (472.36), Code 1966, is amended by striking from line
148 four (4) the words "the sheriff".

149 Sec. 19. Section four hundred seventy-two point thirty-
150 nine (472.39), is amended as follows:

151 1. By striking from line one (1) the words "sheriff
152 or".

153 2. By striking from line two (2) the words "as the
154 case may be" and inserting in lieu thereof the words "of the
155 district court".

156 Sec. 20. Section four hundred seventy-two point forty
157 (472.40), Code 1966, is amended by striking from lines
158 one (1), two (2) and three (3) the words "Any sheriff, or
159 clerk of the district court, as the case may be," and
160 inserting in lieu thereof the words "Any clerk of the
161 district court".

Filed - *Lost 2-6*

February 5, 1970

By HOUGEN and GAUDINEER

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- 1 Amend the Hougen-Gaudineer amendment to Senate File
 - 2 1171, filed February 5, 1970, and found on pages 378
 - 3 through 381 of the Senate Journal as follows:
 - 4 1. Line 113, by inserting after the word "clerk" he
 - 5 words "of the district court".
 - 6 2. Line 148, by inserting before the period the words
 - 7 "and inserting in lieu thereof the word 'clerk'".
 - 8 3. Line 154, by inserting a comma after the word "be".

Filed and adopted
February 6, 1970

By HOUGEN

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- 1 Amend the Hougen amendment to Senate File 1171, filed
 - 2 February 5, 1970, found on pages 378 through 381 of the
 - 3 Senate Journal as follows:
 - 4 1. Line 48 by adding after the word "damages." the
 - 5 following new sentence "Uniform instructions shall be
 - 6 prepared by the supreme court."

Filed and lost.
February 6, 1970

By HOUGEN

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- 1 Amend the Hougen amendment to Senate File 1171 filed
 - 2 February 5, 1970, found on pages 378 through 381 of the
 - 3 Senate Journal as follows:
 - 4 1. Line 22 by striking the words "city or" and
 - 5 inserting in lieu thereof the words "the city and".
 - 6 2. Line 46 by striking the word "He" and inserting
 - 7 in lieu thereof the words "The hearing commissioner".
 - 8 3. Line 55 by inserting after the word "examination"
 - 9 the words "including any appraiser or other person evaluating
 - 10 the property and damages".

Filed and adopted
February 6, 1970

By HOUGEN

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- 1 Amend Senate File 1171 as follows:
 - 2 1: By striking lines 7 through 15 inclu-
 - 3 sive and inserting in lieu thereof the following:
 - 4 "Annually the board of supervisors of a county
 - 5 shall appoint not less than twenty-eight resident free-
 - 6 holders of the county and the names of such persons shall
 - 7 be placed on a list and they shall be eligible to serve
 - 8 as members of a compensation commission. One-fourth
 - 9 of the persons appointed shall be owners of agricultural
 - 10 property, one-fourth of the persons appointed shall be
 - 11 owners of city or town property, one-fourth shall be
 - 12 licensed real estate salesmen or real estate brokers,
 - 13 and one-fourth shall be persons having knowledge of
 - 14 property values in the county."

Filed and adopted
February 6, 1970

By SHAFF