

14 of state shall issue a patent therefor in the manner provided by law
 15 in other cases. The proceeds of any such sale or exchange shall
 16 become a part of the funds to be expended under the provisions of
 17 this chapter."

House File No. 278. Approved March 28, 1933.

CHAPTER 35

BOARD OF CONSERVATION. DAMS AND SPILLWAYS

H. F. 279

AN ACT to repeal section eighteen hundred twenty-six (1826), code, 1931, and to enact a substitute therefor authorizing the board of conservation to fix the level of dams or spillways at the outlets of lakes and across streams, to construct same, to provide the procedure, and for assessment of damages.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighteen hundred twenty-six (1826), code, 1931,
 2 is hereby repealed and the following enacted as a substitute therefor:
 3 "Whenever, in the opinion of the board of conservation, it is neces-
 4 sary and desirable for it to erect a dam or spillway across a stream
 5 or at the outlet of a lake, or to alter or reconstruct an existing dam
 6 or spillway, so as to increase or decrease its permanent height, or to
 7 permanently affect the water level above the structure, it shall pro-
 8 ceed with said project by first adopting a resolution of necessity to be
 9 placed upon its records, in which it shall describe in a general way the
 10 work contemplated.

1 "SEC. 2. The board, upon receipt of a report and plan prepared by
 2 a competent civil engineer, showing the work contemplated, the effect
 3 on the water level, and probable cost and such other facts and recom-
 4 mendations as may be deemed material, may approve said plan which
 5 shall be considered a tentative plan only, for the project.

1 "SEC. 3. After said approval the board, if it wishes to proceed
 2 further with the project, shall, with the consent of the executive
 3 council, fix a date of hearing not less than two (2) weeks from date
 4 of approval of the plan. Notice of the day, hour and place of hearing,
 5 relative to proposed work, shall be provided by publication at least
 6 once a week for two (2) consecutive weeks in some newspaper of
 7 general circulation published in the county where the project is lo-
 8 cated, or in the county or counties where the water elevations are
 9 affected, under the tentative plan approved. The last of such pub-
 10 lication or publications shall not be less than five (5) days prior to the
 11 day set for hearing. Any claim by any persons whomsoever, for dam-
 12 ages which may be caused by said project shall be filed with the board
 13 at or prior to the time of the hearing provided herein.

1 "SEC. 4. If, at the time of the hearing, the board shall find that
 2 the improvement would be conducive to the public convenience, wel-
 3 fare, benefit or utility, and the cost thereof is not excessive, and no
 4 claim shall have been filed for damages, it may adopt the tentative
 5 plan as final or may modify the plan, provided said modification will

6 not, to any greater extent than the tentative plan, materially and
7 adversely affect the interests of littoral or riparian owners.

1 "SEC. 5. If, at the time of the hearing, the claims for damages
2 shall have been filed, further proceedings shall be continued to an
3 adjourned, regular, or special session, the date and place of which
4 shall be fixed at the time of adjournment and of which all interested
5 parties shall take notice, and the board shall have the damages ap-
6 praised by three (3) appraisers to be appointed by the chief justice
7 of the supreme court. One (1) of these appraisers shall be a reg-
8 istered civil engineer resident of the state and two (2) shall be free-
9 holders of the state, who shall not be interested in nor related to any
10 person affected by the proposed project.

1 "SEC. 6. The appraisers appointed to determine the damages caused
2 by the proposed project shall view the premises and determine and
3 fix the amount of damages to which each claimant is entitled and
4 shall, at least three (3) days before the date fixed by the board to
5 hear and determine the same, file with the secretary of the board
6 reports in writing showing the amount of damages sustained by each
7 claimant. Should good cause for delay exist, the board may postpone
8 the time of final action on the project.

1 "SEC. 7. At the time fixed for hearing and after receipt of the
2 report of the appraisers, the board shall examine said report, both
3 for and against each claim for damages and compensation and shall,
4 with the consent of the executive council, determine the amount of
5 damages and compensation due each claimant and may affirm, increase
6 or diminish the amount awarded by the appraisers. After such action,
7 the board may thereupon adopt a final plan for the project, and pro-
8 ceed with its construction, or it may dismiss the entire proceedings.

1 "SEC. 8. Appeals from orders or actions of the board fixing the
2 amount of compensation awarded or damages sustained by any claim-
3 ant shall be treated as ordinary proceedings. All other appeals shall
4 be triable in equity. The court may, in its discretion, order the con-
5 solidation for trial of two (2) or more of such equitable cases. All
6 appeals shall be taken within twenty (20) days after date of final
7 action or order of the board from which such appeal is taken, by filing
8 with the secretary of the board a notice of appeal designating the
9 court to which the appeal is taken, the order or action appealed from
10 and stating that the appeal will come on for hearing at the next suc-
11 ceeding term of the court and designating such term. This notice
12 shall be accompanied by an appeal bond with sureties to be approved
13 by the clerk of the district court conditioned to pay all costs adjudged
14 against the appellant. The amount of damages or compensation found
15 by the court shall be entered of record. Unless the result on the
16 appeal is more favorable to the appellant than the action of the board,
17 all costs of the appeal shall be taxed to the appellant, but if more
18 favorable, the cost shall be taxed to the appellees. All damages
19 assessed and all costs occasioned under this act shall be paid from
20 the funds of the board.

1 "SEC. 9. If, at the time of hearing on the tentative plan, no objec-
 2 tors appear and no claim for damages or compensation shall have been
 3 filed, or if proper waivers giving consent to the construction of the
 4 proposed improvement have been obtained from all parties affected
 5 then the board may adopt the tentative plan as final and proceed
 6 with the work proposed."

House File No. 279. Approved March 28, 1933.

CHAPTER 36

INDUSTRIAL ALCOHOL

H. F. 80

AN ACT to amend section nineteen hundred twenty-four (1924) of the code of 1931, relating to the manufacture, possession, denaturing, transportation, use and sale of alcohol by persons, firms or corporations who have qualified as provided by the laws of the United States and the state of Iowa.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section nineteen hundred twenty-four (1924) of the
 2 code, 1931, is amended as follows:

3 1. Strike therefrom the period from the end of the said section
 4 and insert in lieu thereof a semicolon, adding thereto the following
 5 words:

6 "Provided, however, that alcohol may be manufactured for indus-
 7 trial and nonbeverage purposes, by persons, firms, or corporations
 8 who have qualified for that purpose as provided by the laws of the
 9 United States, and the laws of the state of Iowa. Such alcohol, so
 10 manufactured, may be denatured, transported, used, possessed, sold,
 11 and bartered and dispensed, subject to the limitations, prohibitions
 12 and restrictions imposed by the laws of the United States and the
 13 state of Iowa."

1 SEC. 2. This act, being deemed of immediate importance, shall
 2 take effect from and after its publication, without expense to the
 3 state, in the Des Moines Register, a newspaper of general circulation
 4 published in Des Moines, Polk county, Iowa, and the Fort Dodge
 5 Messenger, a newspaper of general circulation, published in Fort
 6 Dodge, Webster county, Iowa.

House File No. 80. Approved February 8, 1933.

I hereby certify that the foregoing act was published in the Des Moines Daily Record February 11, 1933, and the Fort Dodge Messenger February 9, 1933.

MRS. ALEX MILLER, *Secretary of State.*

Note: Des Moines Daily Record substituted for the Des Moines Register in accordance with section fifty-five (55), code, 1931.