

CHAPTER 238

MILLDAMS AND RACES

H. F. 308

AN ACT relating to milldams and to amend sections four hundred sixty-nine point five (469.5) and four hundred sixty-nine point nine (469.9), Code 1954.

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

1 SECTION 1. Section four hundred sixty-nine point five (469.5),
2 Code 1954, is amended by adding after the word, "project" in line
3 eight (8) the words, ", excepting water taken by a municipality for
4 distribution in its watermains,".

1 SEC. 2. Section four hundred sixty-nine point nine (469.9), Code
2 1954, is amended by adding after the word, "constructed" in line
3 seventeen (17) the words, "for power production"; and by striking
4 the period (.) following the word, "capacity" in line eighteen (18)
5 and inserting in lieu thereof the words, ", nor shall they apply to dams
6 developed solely for recreational use where the recreational facilities
7 thus created are open to the public without charge."

Approved April 1, 1957.

CHAPTER 239

EMINENT DOMAIN

H. F. 330

AN ACT relating to procedure under the power of eminent domain.

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

1 SECTION 1. Section four hundred seventy-two point fourteen
2 (472.14), Code 1954, is hereby repealed and the following enacted in
3 lieu thereof:

4 "The commissioners shall, at the time fixed in the aforesaid notices,
5 view the land sought to be condemned and assess the damages which
6 the owner will sustain by reason of the appropriation; and they shall
7 file their written report with the sheriff. Where the land sought to be
8 condemned is a part of a larger tract of land, and in making such
9 assessment at the request of the condemnee the commissioners shall
10 divide the damages into two (2) parts, namely, the value of the land
11 (including improvements thereon), sought to be condemned, and the
12 consequential damages resulting to the owner from such condemna-
13 tion and appropriation. The appraisement and return may be in par-
14 cels larger than forty (40) acres belonging to one (1) person and
15 lying in one (1) tract, unless the agent or attorney of the applicant,
16 or the commissioners, have actual knowledge that the tract does not
17 belong wholly to the person in whose name it appears of record; and
18 in case of such knowledge, the appraisement shall be made of the dif-
19 ferent portions as they are known to be owned."

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in The Daily

- 3 Times, a newspaper published at Davenport, Iowa, and the Iowa City
 4 Press-Citizen, a newspaper published at Iowa City, Iowa.

Approved May 14, 1957.

I hereby certify that the foregoing Act, House File 330, was published in the Iowa City Press-Citizen, Iowa City, Iowa, May 16, 1957, and in The Daily Times, Davenport, Iowa, May 17, 1957.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 240

EMINENT DOMAIN SURVEY

H. F. 160

AN ACT to permit the survey of land prior to the right to exercise the right of eminent domain.

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

1 SECTION 1. Section four hundred eighty-nine point fourteen
 2 (489.14), Code 1954, is hereby amended by adding thereto the fol-
 3 lowing:

4 "Any person, company or corporation proposing to construct a
 5 transmission line or other facility which involves the taking of prop-
 6 erty under the right of eminent domain and desiring to enter upon
 7 the land, which it proposes to appropriate, for the purpose of exam-
 8 ining or surveying the same, shall first file with the Iowa state com-
 9 merce commission or with the county board of supervisors in the
 10 county the land is situated, a written statement under oath setting
 11 forth the proposed routing of the line or facility including a descrip-
 12 tion of the lands to be crossed, the names and addresses of owners,
 13 together with request that a permit be issued by said commission or
 14 board of supervisors authorizing said person, company or corpora-
 15 tion or its duly appointed representative to enter upon the land for
 16 the purpose of examining and surveying and to take and use thereon
 17 any vehicle and surveying equipment necessary in making the survey.
 18 Said commission or board of supervisors shall within ten (10) days
 19 after said request issue a permit, accompanied by such bond in such
 20 amount as the commission or board of supervisors shall approve, to
 21 the person, company or corporation making said application, if in its
 22 opinion the application is made in good faith and not for the purpose
 23 of harassing the owner of the land. If the commission or the board
 24 of supervisors is of the opinion that the application is not made in
 25 good faith or made for the purpose of harassment to the owner of
 26 said land it shall set the matter for hearing and it shall be heard not
 27 more than twenty (20) days after filing said application. Notice of
 28 the time and place of hearing shall be given by said commission, or
 29 board of supervisors, to the owner of said land by registered mail
 30 with a return receipt requested, not less than ten (10) days preced-
 31 ing date of hearing.

32 Any person, company or corporation that has obtained a permit
 33 in the manner herein prescribed may enter upon said land or lands,
 34 as above provided, and shall be liable for actual damages sustained in