

dismissing the proceedings, or it may vacate and close such vacating and closing the road, part thereof, or crossing, in which event it shall determine and state in the order the amount of the damages allowed to each claimant. Said The order thus entered shall be final except as to the amount of the damages unless the order is rescinded as provided in section three hundred six point seventeen (306.17) of the Code. A copy of such the order shall be filed with the county auditor of the county or counties in which the road, part thereof, or crossing, is located and with the department and the agency in control of any affected state land.

Sec. 2. Section three hundred six point seventeen (306.17), Code 1977, is amended to read as follows:

306.17 APPEAL. Notwithstanding the terms of the Iowa administrative procedure Act, any claimant for damages may, by serving, within twenty days after the ~~said final~~ order has been issued, a written notice upon the agency which instituted and conducted such the proceedings, appeal as to the amount of damages, to the district court of the county in which the land is located, in the manner and form prescribed in chapter 472 with reference to appeals from condemnation, and such the proceedings shall thereafter ~~likewise~~ conform to the applicable provisions of ~~said that~~ chapter. If, in the opinion of the agency, the damages as finally determined on appeal are excessive, the agency may rescind its order vacating and closing the road, part thereof, or crossing, and the right-of-way shall remain under the jurisdiction of the agency. If the order is rescinded at any time after an appeal is taken, the agency shall pay reasonable attorney fees incurred by the claimant as taxed by the court.

Sec. 3. This Act is effective January 1, 1978.

Approved June 3, 1977

CHAPTER 100
BIKEWAYS AND WALKWAYS

H. F. 197

AN ACT relating to certain bikeway and walkway construction projects.

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

Section 1. Section three hundred eight A point three (308A.3), Code 1977, is amended to read as follows:

308A.3 CERTAIN ELEVATED STRUCTURES PROHIBITED. Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the following condition is met:

1. That portion of project funds necessary to obtain federal funds is provided by private parties benefited by the facilities.

Approved April 29, 1977

CHAPTER 101
MULTIFLORA ROSE

S. F

AN ACT declaring the multiflora rose to be a noxious weed.

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

Section 1. Section three hundred seventeen point one (317.1), subsection two (2), Code 1977, is amended to read as follows:

2. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*conium maculatum*), multiflora rose (*rosa multiflora*), wild sunflower (wild strain of *Helianthus annus L.*) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial. The multiflora rose (*rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

Sec. 2. This Act is effective January 1, 1978.

Approved July 12, 1977