

Original filed 3/8/85

Reprinted 4/2/85

Senate File 406

AGRICULTURE: A. Miller, Chair; Hutchins and Waldstein

Amended (2020) - Do Pass 2/1/85 2357

SENATE FILE 406

BY COMMITTEE ON LOCAL GOVERNMENT

FORMERLY SSB 225 *Approved 2/2/85 (p. 671)*

FILED MAR 7 1985

Passed Senate, Date 3-28-85 (p. 1091) Passed House, Date 4-26-85 (p. 1970)

Vote: Ayes 48 Nays 1 Vote: Ayes 87 Nays 4

Approved May 22, 1985

A BILL FOR

1 An Act relating to the destruction of noxious weeds and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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87 406

1 Section 1. Section 317.8, Code 1985, is amended by adding
2 the following new subsection:

3 4. The secretary shall aid the supervisors in enforcement
4 of the weed law as it applies to all state lands, state parks
5 and primary roads, and may impose a maximum penalty of a
6 twenty-five dollar fine for each day, up to ten days, that the
7 state agency in control of land fails to comply with an order
8 for destruction of weeds made pursuant to this chapter.

9 Sec. 2. Section 317.16, Code 1985, is amended to read as
10 follows:

11 317.16 FAILURE TO COMPLY.

12 In case of a substantial failure to comply by the date
13 prescribed in any order of destruction of weeds made pursuant
14 to this chapter, the weed commissioner or the deputies ~~shall~~
15 may, subsequent to the time after service of the notice
16 provided for in section 317.6 enter upon the land and cause
17 the weeds to be destroyed, or may impose a maximum penalty of
18 a twenty-five dollar fine for each day, up to ten days, that
19 the owner or person in control of the land fails to comply.
20 ~~The~~ If the weed commissioner enters the land and causes the
21 weeds to be destroyed, the actual cost and expense of cutting,
22 burning or otherwise destroying the weeds, along with the cost
23 of serving notice and special meetings or proceedings, if any,
24 shall be paid by the county and, together with the additional
25 assessment to apply toward costs of supervision and
26 administration, be recovered by an assessment against the
27 tract of real estate on which the weeds were growing, as
28 provided in section 317.21. Any fine imposed shall be
29 recovered by a similar assessment.

30 Sec. 3. Section 317.18, Code 1985, is amended to read as
31 follows:

32 317.18 ORDER FOR DESTRUCTION ON ROADS.

33 The board of supervisors shall order all weeds other than
34 noxious weeds, on all county trunk and local county roads and
35 rights-of-way and between the fence lines to be cut, burned or

1 otherwise destroyed to prevent seed production, either upon
2 its own motion or upon receipt of written notice requesting
3 the action from any residents of the township in which the
4 roads and rights-of-way are located, or any person regularly
5 using the roads and rights-of-way. The order shall define the
6 roads and rights-of-way along which weeds are required to be
7 cut, burned or otherwise destroyed and shall require the weeds
8 to be cut, burned or otherwise destroyed within thirty days
9 after the publication of the order in the official newspapers
10 of the county. If the adjoining owner fails to cut, burn or
11 otherwise destroy the weeds as required in the order, the
12 county commissioner shall have them cut, burned or otherwise
13 destroyed and the cost shall be paid by the county and
14 recovered later by an assessment against the adjoining
15 property owners as provided in section 317.21.

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EXPLANATION

17 This bill provides that the board of supervisors may impose
18 a maximum fine of \$25 per day for each day, up to 10 days,
19 that the owner or person in control of the land fails to
20 comply with an order for destruction of weeds on that land.
21 In addition, this bill provides that the secretary of
22 agriculture shall assist the counties in the enforcement of
23 the weed law on state lands, parks and primary roads, and may
24 impose a maximum fine of \$25 per day for each day, up to 10
25 days, that a state agency fails to comply with a weed
26 destruction order.

27 Section 317.18 is amended to authorize the board of super-
28 visors to order destruction of weeds on county trunk and local
29 county road rights-of-way.

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1 Amend Senate File 406 as follows:

2 1. Page 1, by inserting after line 8 the
3 following:

4 "Sec. ____ . Section 317.13, Code 1985, is amended
5 to read as follows:

6 317.13 PROGRAM OF CONTROL.

7 The board of supervisors of each county shall ~~may~~
8 each year, upon recommendation of the county weed
9 commissioner, ~~or commissioners,~~ by resolution
10 prescribe and order a program of weed destruction to
11 ~~be followed by landowners or tenants or both, which~~
12 ~~may be expected to destroy and immediately keep under~~
13 ~~control any areas infested with any noxious weeds on~~
14 ~~farm land, and shall designate the destruction dates~~
15 ~~to prevent seed production of all varieties of noxious~~
16 ~~weeds. Quack grass in pasture land, rough timbered~~
17 ~~land or on the highways, railway rights of way and~~
18 ~~public lands, when acting as soil binder, may be~~
19 ~~exempt from such order if approved by the~~
20 ~~supervisors."~~

21 2. Page 2, by inserting after line 15 the fol-
22 lowing:

23 "Sec. ____ . Section 317.18, Code 1985, is amended
24 to read as follows:

25 317.18 ORDER FOR DESTRUCTION ON ROADS.

26 The board of supervisors shall order all weeds
27 ~~other than~~ noxious weeds, on within the right-of-way
28 of all county trunk and local county roads and between
29 the fence lines to be cut, burned or otherwise
30 destroyed to prevent seed production, either upon its
31 own motion or upon receipt of written notice
32 requesting the action from any residents of the
33 township in which the roads are located, or any person
34 regularly using the roads. The order shall define the
35 roads along which weeds are required to be cut, burned
36 or otherwise destroyed and shall require the weeds to
37 be cut, burned or otherwise destroyed within thirty
38 fifteen days after the publication of the order in the
39 official newspapers of the county. ~~If the adjoining~~
40 ~~owner fails to cut, burn or otherwise destroy the~~
41 ~~weeds as required in the order, the county~~
42 ~~commissioner shall have them cut, burned or otherwise~~
43 ~~destroyed and the cost shall be paid by the county and~~
44 ~~recovered later by an assessment against the adjoining~~
45 ~~property owners as provided in section 317.21.~~

46 Sec. ____ . Section 317.19, unnumbered paragraph 1,
47 Code 1985, is amended to read as follows:

48 The board of supervisors may appropriate moneys to
49 be used for the purposes of cutting, burning, or
50 otherwise destroying weeds or brush between the fence

1 ~~rows-on-the~~ within the right-of-way of county trunk
2 roads and local county roads in time to prevent
3 reseeding.

4 Sec. ____ . Section 317.21, unnumbered paragraph 1,
5 Code 1985, is amended to read as follows:

6 When the commissioner, ~~or-commissioners,~~ ~~destroy~~
7 destroys any weeds under the authority of sections
8 section 317.16 ~~or-317-18~~, after failure of the
9 landowner responsible ~~therefor~~ to destroy such weeds
10 pursuant to the order of the board of supervisors, the
11 cost of ~~such the~~ destruction shall be assessed against
12 the land and collected from the landowner responsible
13 in the following manner:"

S-3315 Filed March 27, 1985 By WALDSTEIN & PRIEBE

Placed o/c 3/28 (p. 10 91)

S-3444

SENATE FILE 406

1 Amend Senate File 406 as follows:

2 1. Page 1, line 6, by striking the word "twenty-
3 five" and inserting the following: "ten".

4 2. Page 1, line 18, by striking the word "twenty-
5 five" and inserting the following: "ten".

6 3. By striking page 1, line 30 through page 2,
7 line 15.

S-3444 Filed March 21, 1985 By COMMITTEE ON AGRICULTURE

Adopted as amended by 3542 3/28 (p. 10 91)

1 Amend the Committee amendment S-3444 to Senate File
2 406 as follows:

3 1. Page 1, by inserting after line 3 the
4 following:

5 "____. Page 1, by inserting after line 8 the
6 following:

7 "Sec. ____ . Section 317.13, Code 1985, is amended
8 to read as follows:

9 317.13 PROGRAM OF CONTROL.

10 The board of supervisors of each county ~~shall~~ may
11 each year, upon recommendation of the county weed
12 commissioner, ~~or commissioners,~~ by resolution
13 prescribe and order a program of weed destruction to
14 ~~be followed by landowners or tenants or both, which~~
15 ~~may be expected to destroy and immediately keep under~~
16 ~~control any areas infested with any noxious weeds on~~
17 ~~farm land, and shall designate the destruction dates~~
18 ~~to prevent seed production of all varieties of noxious~~
19 ~~weeds. Quack grass in pasture land, rough timbered~~
20 ~~land or on the highways, railway rights of way and~~
21 ~~public lands, when acting as soil binder, may be~~
22 ~~exempt from such order if approved by the~~
23 ~~supervisors."~~

24 2. Page 1, by striking line 7 and inserting the
25 following: "line 15, and inserting the following:

26 "Sec. ____ . Section 317.18, Code 1985, is amended
27 to read as follows:

28 317.18 ORDER FOR DESTRUCTION ON ROADS.

29 The board of supervisors shall order all weeds
30 ~~other than~~ noxious weeds, on within the right-of-way
31 of all county trunk and local county roads and between
32 the fence lines to be cut, burned or otherwise
33 destroyed to prevent seed production, either upon its
34 own motion or upon receipt of written notice
35 requesting the action from any residents of the
36 township in which the roads are located, or any person
37 regularly using the roads. The order shall define the
38 roads along which weeds are required to be cut, burned
39 or otherwise destroyed and shall require the weeds to
40 be cut, burned or otherwise destroyed within thirty
41 fifteen days after the publication of the order in the
42 official newspapers of the county. ~~if the adjoining~~
43 ~~owner fails to cut, burn or otherwise destroy the~~
44 ~~weeds as required in the order, the county~~
45 ~~commissioner shall have them cut, burned or otherwise~~
46 ~~destroyed and the cost shall be paid by the county and~~
47 ~~recovered later by an assessment against the adjoining~~
48 ~~property owners as provided in section 317.21.~~

49 Sec. ____ . Section 317.19, unnumbered paragraph 1,
50 Code 1985, is amended to read as follows:

1 The board of supervisors may appropriate moneys to
2 be used for the purposes of cutting, burning, or
3 otherwise destroying weeds or brush ~~between-the-fence~~
4 ~~rows-on-the~~ within the right-of-way of county trunk
5 roads and local county roads in time to prevent
6 reseeding.

7 Sec. _____. Section 317.21, unnumbered paragraph 1,
8 Code 1985, is amended to read as follows:

9 When the commissioner, ~~or-commissioners,~~ ~~destroy~~
10 ~~destroys~~ any weeds under the authority of sections
11 ~~section~~ 317.16 ~~or-317-18~~, after failure of the
12 landowner responsible therefor to destroy such weeds
13 pursuant to the order of the board of supervisors, the
14 cost of such the destruction shall be assessed against
15 the land and collected from the landowner responsible
16 in the following manner:."

S-3542 Filed March 27, 1985

By WALDSTEIN & PRIEBE

Adopted 3/28/85 (p. 1091)

S-3524

SENATE FILE 406

1 Amend Senate File 406 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "comply." the following: "if a penalty is imposed
4 and the owner or person in control of the land fails
5 to comply, the weed commissioner shall cause the
6 weeds to be destroyed."

S-3524 Filed March 27, 1985

By NEIGHBOUR

Adopted 3/28 (p. 1091)

Local Govt. 4/2/85 Amend. (3750) - To Pass 4/11/85

Senate File 406

Local Government: Cooper, Chair; Black and Hester.

SENATE FILE 406

BY COMMITTEE ON LOCAL GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1985)

Re Passed Senate, Date 4-29-85 (p. 1733) Passed House, Date 4-26-85 (p. 1370)

Vote: Ayes 43 Nays 0 Vote: Ayes 87 Nays 4

Approved May 22, 1985

A BILL FOR

1 An Act relating to the destruction of noxious weeds and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
by the Senate

1 Section 1. Section 317.8, Code 1985, is amended by adding
2 the following new subsection:

3 4. The secretary shall aid the supervisors in enforcement
4 of the weed law as it applies to all state lands, state parks
5 and primary roads, and may impose a maximum penalty of a ten
6 dollar fine for each day, up to ten days, that the state
7 agency in control of land fails to comply with an order for
8 destruction of weeds made pursuant to this chapter.

9 Sec. 2. Section 317.13, Code 1985, is amended to read as
10 follows:

11 317.13 PROGRAM OF CONTROL.

12 The board of supervisors of each county shall ~~may~~ each
13 year, upon recommendation of the county weed commissioner, ~~or~~
14 commissioners, by resolution prescribe and order a program of
15 weed destruction to be followed by landowners or tenants or
16 both, which may be expected to destroy and immediately keep
17 under control any areas infested with any noxious weeds on
18 farm land, and shall designate the destruction dates to
19 prevent seed production of all varieties of noxious weeds.
20 Quack grass in pasture land, rough timbered land or on the
21 highways, railway rights of way and public lands, when acting
22 as soil binder, may be exempt from such order if approved by
23 the supervisors.

24 Sec. 3. Section 317.16, Code 1985, is amended to read as
25 follows:

26 317.16 FAILURE TO COMPLY.

27 In case of a substantial failure to comply by the date
28 prescribed in any order of destruction of weeds made pursuant
29 to this chapter, the weed commissioner or the deputies shall
30 may, subsequent to the time after service of the notice
31 provided for in section 317.6 enter upon the land and cause
32 the weeds to be destroyed, or may impose a maximum penalty of
33 a ten dollar fine for each day, up to ten days, that the owner
34 or person in control of the land fails to comply. If a
35 penalty is imposed and the owner or person in control of the

1 land fails to comply, the weed commissioner shall cause the
2 weeds to be destroyed. ~~The~~ If the weed commissioner enters
3 the land and causes the weeds to be destroyed, the actual cost
4 and expense of cutting, burning or otherwise destroying the
5 weeds, along with the cost of serving notice and special
6 meetings or proceedings, if any, shall be paid by the county
7 and, together with the additional assessment to apply toward
8 costs of supervision and administration, be recovered by an
9 assessment against the tract of real estate on which the weeds
10 were growing, as provided in section 317.21. Any fine imposed
11 shall be recovered by a similar assessment.

12 Sec. 4. Section 317.18, Code 1985, is amended to read as
13 follows:

14 317.18 ORDER FOR DESTRUCTION ON ROADS.

15 The board of supervisors shall order all weeds-other-than
16 noxious weeds, on within the right-of-way of all county trunk
17 and local county roads and-between-the-fence-lines to be cut,
18 burned or otherwise destroyed to prevent seed production,
19 either upon its own motion or upon receipt of written notice
20 requesting the action from any residents of the township in
21 which the roads are located, or any person regularly using the
22 roads. The order shall define the roads along which weeds are
23 required to be cut, burned or otherwise destroyed and shall
24 require the weeds to be cut, burned or otherwise destroyed
25 within thirty fifteen days after the publication of the order
26 in the official newspapers of the county. If-the-adjoining
27 owner-fails-to-cut,-burn-or-otherwise-destroy-the-weeds-as
28 required-in-the-order,-the-county-commissioner-shall-have-them
29 cut,-burned-or-otherwise-destroyed-and-the-cost-shall-be-paid
30 by-the-county-and-recovered-later-by-an-assessment-against-the
31 adjoining-property-owners-as-provided-in-section-317-21.

32 Sec. 5. Section 317.19, unnumbered paragraph 1, Code 1985,
33 is amended to read as follows:

34 The board of supervisors may appropriate moneys to be used
35 for the purposes of cutting, burning, or otherwise destroying

1 weeds or brush between the fence rows on the within the right-
2 of-way of county trunk roads and local county roads in time to
3 prevent reseeding.

4 Sec. 6. Section 317.21, unnumbered paragraph 1, Code 1985,
5 is amended to read as follows:

6 When the commissioner, or commissioners, destroy destroys
7 any weeds under the authority of sections section 317.16 or
8 317.18, after failure of the landowner responsible therefor to
9 destroy such weeds pursuant to the order of the board of
10 supervisors, the cost of such the destruction shall be
11 assessed against the land and collected from the landowner
12 responsible in the following manner:

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SENATE FILE 406

H-3750

1 Amend Senate File 406 as passed by the Senate as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 317.1, subsection 2, Code
6 1985, is amended to read as follows:

7 2. Secondary noxious weeds, which shall include
8 butterprint (*Abutilon theophrasti*) annual, cocklebur
9 (*Xanthium commune*) annual, wild mustard (*Brassica*
10 *arvensis*) annual, wild carrot (*Daucus carota*)
11 biennial, buckhorn (*Plantago lanceolata*) perennial,
12 sheep sorrel (*Rumex acetosella*) perennial, sour dock
13 (*Rumex crispus*) perennial, smooth dock (*Rumex*
14 *altissimus*) perennial, poison hemlock (*conium*
15 *maculatum*), multiflora rose (*rosa multiflora*), wild
16 sunflower (wild strain of *Helianthus annus* L.) annual,
17 puncture vine (*Tribulus terrestris*) annual, teasel
18 (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*)
19 annual.

20 PARAGRAPH DIVIDED. The multiflora rose (*rosa*
21 *multiflora*) shall not be considered a secondary
22 noxious weed when cultivated for or used as understock
23 for cultivated roses or as ornamental shrubs in
24 gardens, or in any county whose board of supervisors
25 has by resolution declared it not to be a noxious
26 weed. Shattercane (*Sorghum bicolor*) shall not be
27 considered a secondary noxious weed when cultivated or
28 in any county whose board of supervisors has by
29 resolution declared it not to be a noxious weed."

30 2. By renumbering as necessary.

H-3750 FILED APRIL 11, 1985 BY COMMITTEE ON LOCAL GOVERNMENT

Adopted as amended by 4026 4/26 (p 1929)
3888

SENATE FILE 406

H-3888

1 Amend the Committee on Local Government amendment,
2 H-3750, to Senate File 406 as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 1, line 14, by striking the word "conium"
5 and inserting the word "Conium".

6 2. Page 1, line 15, by striking the word "rosa"
7 and inserting the following: "Rosa".

8 3. Page 1, line 20, by striking the word "rosa"
9 and inserting the word "Rosa".

10 4. Page 1, by inserting after line 29 the
11 following:

12 "_____. Page 1, line 12, by striking the words
13 "~~shall~~ may" and inserting the word "shall".

14 "_____. Page 2, line 15, by striking the word
15 "~~shall~~" and inserting the words "~~shall~~ may"."

BY BLACK of Jasper
COOPER of Lucas

H-3888 FILED APRIL 18, 1985
Adopted as amended by 4090 4/26 (p 1969)

SENATE FILE 406

H-3687

- 1 Amend Senate File 406 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 317.1, subsection 2, Code
6 1985, is amended to read as follows:
7 2. Secondary noxious weeds, which shall include
8 butterprint (*Abutilon theophrasti*) annual, cocklebur
9 (*Xanthium commune*) annual, wild mustard (*Brassica*
10 *arvensis*) annual, wild carrot (*Daucus carota*)
11 biennial, buckhorn (*Plantago lanceolata*) perennial,
12 sheep sorrel (*Rumex acetosella*) perennial, sour dock
13 (*Rumex crispus*) perennial, smooth dock (*Rumex*
14 *altissimus*) perennial, poison hemlock (*conium*
15 *maculatum*), multiflora rose (*rosa multiflora*), wild
16 sunflower (wild strain of *Helianthus annuus* L.) annual,
17 puncture vine (*Tribulus terrestris*) annual, teasel
18 (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*)
19 annual.
20 PARAGRAPH DIVIDED. The multiflora rose (*rosa*
21 *multiflora*) shall not be considered a secondary
22 noxious weed when cultivated for or used as understock
23 for cultivated roses or as ornamental shrubs in
24 gardens, or in any county whose board of supervisors
25 has by resolution declared it not to be a noxious
26 weed. Shattercane (*Sorghum bicolor*) shall not be
27 considered a secondary noxious weed when cultivated or
28 in any county whose board of supervisors has by
29 resolution declared it not to be a noxious weed."
30 2. By renumbering as necessary.

H-3687 FILED APRIL 8, 1985 BY SCHNEKLOTH of Scott

c/c 4/26 (p. 1969)

SENATE FILE 406

H-3921

- 1 Amend Senate File 406 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 22, by inserting after the word
4 "which", the word "noxious".

H-3921 FILED APRIL 19, 1985 BY WELDEN of Hardin

Adopted 4/26/85 (p. 1970)

SENATE FILE 406

H-4090

- 1 Amend amendment H-3888 to Senate File 406 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 12 and 13.

H-4090 FILED APRIL 26, 1985 BY MCKEAN of Jones

ADOPTED BY UNANIMOUS CONSENT *(p. 1969)*

HOUSE AMENDMENT TO
SENATE FILE 406

- 1 Amend Senate File 406 as passed by the Senate as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 317.1, subsection 2, Code
6 1985, is amended to read as follows:
7 2. Secondary noxious weeds, which shall include
8 butterprint (*Abutilon theophrasti*) annual, cocklebur
9 (*Xanthium commune*) annual, wild mustard (*Brassica*
10 *arvensis*) annual, wild carrot (*Daucus carota*)
11 biennial, buckhorn (*Plantago lanceolata*) perennial,
12 sheep sorrel (*Rumex acetosella*) perennial, sour dock
13 (*Rumex crispus*) perennial, smooth dock (*Rumex*
14 *altissimus*) perennial, poison hemlock (*Conium*
15 *maculatum*), multiflora rose (*Rosa multiflora*), wild
16 sunflower (wild strain of *Helianthus annuus* L.) annual,
17 puncture vine (*Tribulus terrestris*) annual, teasel
18 (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*)
19 annual.
20 PARAGRAPH DIVIDED. The multiflora rose (*Rosa*
21 *multiflora*) shall not be considered a secondary
22 noxious weed when cultivated for or used as understock
23 for cultivated roses or as ornamental shrubs in
24 gardens, or in any county whose board of supervisors
25 has by resolution declared it not to be a noxious
26 weed. Shattercane (*Sorghum bicolor*) shall not be
27 considered a secondary noxious weed when cultivated or
28 in any county whose board of supervisors has by
29 resolution declared it not to be a noxious weed."
30 2. Page 2, line 15, by striking the word "shall"
31 and inserting the words "shall may".
32 3. Page 2, line 22, by inserting after the word
33 "which" the word "noxious".
34 4. By renumbering as necessary.

LOCAL GOVERNMENT: Neighbour, Chair; C. Miller and Goodwin

*New
SF 406*

*SSB 225
Local Govt.
SENATE FILE 406*

BY (PROPOSED COMMITTEE ON LOCAL GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the destruction of noxious weeds and
2 providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 317.8, Code 1985, is amended by adding
2 the following new subsection:

3 4. The secretary shall aid the supervisors in enforcement
4 of the weed law as it applies to all state lands, state parks
5 and primary roads, and may impose a penalty of a one hundred
6 dollar fine for each day, up to fourteen days, that the state
7 agency in control of land fails to comply with an order for
8 destruction of weeds made pursuant to this chapter.

9 Sec. 2. Section 317.16, Code 1985, is amended to read as
10 follows:

11 317.16 FAILURE TO COMPLY.

12 In case of a substantial failure to comply by the date
13 prescribed in any order of destruction of weeds made pursuant
14 to this chapter, the weed commissioner or the deputies shall
15 may, subsequent to the time after service of the notice
16 provided for in section 317.6 enter upon the land and cause
17 the weeds to be destroyed, or may impose a penalty of a one
18 hundred dollar fine for each day, up to fourteen days, that
19 the owner or person in control of the land fails to comply.
20 ~~The~~ If the weed commissioner enters the land and causes the
21 weeds to be destroyed, the actual cost and expense of cutting,
22 burning or otherwise destroying the weeds, along with the cost
23 of serving notice and special meetings or proceedings, if any,
24 shall be paid by the county and, together with the additional
25 assessment to apply toward costs of supervision and
26 administration, be recovered by an assessment against the
27 tract of real estate on which the weeds were growing, as
28 provided in section 317.21. Any fine imposed shall be
29 recovered by a similar assessment.

30 Sec. 3. Section 317.18, Code 1985, is amended to read as
31 follows:

32 317.18 ORDER FOR DESTRUCTION ON ROADS.

33 The board of supervisors shall order all weeds other than
34 noxious weeds, on all county trunk and local county roads and
35 rights-of-way and between the fence lines to be cut, burned or

1 otherwise destroyed to prevent seed production, either upon
2 its own motion or upon receipt of written notice requesting
3 the action from any residents of the township in which the
4 roads and rights-of-way are located, or any person regularly
5 using the roads and rights-of-way. The order shall define the
6 roads and rights-of-way along which weeds are required to be
7 cut, burned or otherwise destroyed and shall require the weeds
8 to be cut, burned or otherwise destroyed within thirty days
9 after the publication of the order in the official newspapers
10 of the county. If the adjoining owner fails to cut, burn or
11 otherwise destroy the weeds as required in the order, the
12 county commissioner shall have them cut, burned or otherwise
13 destroyed and the cost shall be paid by the county and
14 recovered later by an assessment against the adjoining
15 property owners as provided in section 317.21.

16 EXPLANATION

17 This bill provides that the board of supervisors may impose
18 a fine of \$100 per day for each day, up to 14 days, that the
19 owner or person in control of the land fails to comply with an
20 order for destruction of weeds on that land. In addition,
21 this bill provides that the secretary of agriculture shall
22 assist the counties in the enforcement of the weed law on
23 state lands, parks and primary roads, and may impose a fine of
24 \$100 per day for each day, up to 14 days, that a state agency
25 fails to comply with a weed destruction order.

26 Section 317.18 is amended to authorize the board of super-
27 visors to order destruction of weeds on county trunk and local
28 county road rights-of-way.

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SENATE FILE 406

AN ACT

RELATING TO THE DESTRUCTION OF NOXIOUS WEEDS AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 317.1, subsection 2, Code 1985, 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 annuus* L.) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*) annual.

PARAGRAPH DIVIDED. 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. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

Sec. 2. Section 317.8, Code 1985, is amended by adding the following new subsection:

4. The secretary shall aid the supervisors in enforcement of the weed law as it applies to all state lands, state parks and primary roads, and may impose a maximum penalty of a ten

dollar fine for each day, up to ten days, that the state agency in control of land fails to comply with an order for destruction of weeds made pursuant to this chapter.

Sec. 3. Section 317.13, Code 1985, is amended to read as follows:

317.13 PROGRAM OF CONTROL.

The board of supervisors of each county shall may each year, upon recommendation of the county weed commissioner ~~or commissioners;~~ by resolution prescribe and order a program of weed destruction ~~to be followed by landowners or tenants or both, which may be expected to destroy and immediately keep under control any areas infested with any noxious weeds on farm land, and shall designate the destruction dates to prevent seed production of all varieties of noxious weeds. Quack grass in pasture land, rough timbered land or on the highways, railway rights-of-way and public lands, when acting as soil binder, may be exempt from such order if approved by the supervisors;~~

Sec. 4. Section 317.16, Code 1985, is amended to read as follows:

317.16 FAILURE TO COMPLY.

In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to this chapter, the weed commissioner or the deputies shall may, subsequent to the time after service of the notice provided for in section 317.6 enter upon the land and cause the weeds to be destroyed, or may impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in control of the land fails to comply. If a penalty is imposed and the owner or person in control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed. ~~The~~ If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning or otherwise destroying the weeds, along with the cost of serving notice and special

meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed shall be recovered by a similar assessment.

Sec. 5. Section 317.18, Code 1985, is amended to read as follows:

317.18 ORDER FOR DESTRUCTION ON ROADS.

The board of supervisors shall ~~may~~ order all weeds ~~other than~~ noxious weeds, on within the right-of-way of all county trunk and local county roads ~~and between the fence lines~~ to be cut, burned or otherwise destroyed to prevent seed production, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall define the roads along which noxious weeds are required to be cut, burned or otherwise destroyed and shall require the weeds to be cut, burned or otherwise destroyed within thirty fifteen days after the publication of the order in the official newspapers of the county. ~~if the adjoining owner fails to cut, burn or otherwise destroy the weeds as required in the order, the county commissioner shall have them cut, burned or otherwise destroyed and the cost shall be paid by the county and recovered later by an assessment against the adjoining property owners as provided in section 317.21.~~

Sec. 6. Section 317.19, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise destroying weeds or brush ~~between the fence rows on the~~ within the right-of-way of county trunk roads and local county roads in time to prevent reseeding.

Sec. 7. Section 317.21, unnumbered paragraph 1, Code 1985, is amended to read as follows:

When the ~~commissioner, or commissioners,~~ destroy ~~destroys~~ any weeds under the authority of ~~sections~~ section 317.16 or ~~317.18~~, after failure of the landowner responsible therefor to destroy such weeds pursuant to the order of the board of supervisors, the cost of such ~~the~~ destruction shall be assessed against the land and collected from the landowner responsible in the following manner:

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ROBERT T. ANDERSON
President of the Senate

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DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 406, Seventy-first General Assembly.

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K. MARIE THAYER
Secretary of the Senate

Approved Moyle, 1985

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TERRY E. BRANSTAD
Governor