



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 19, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 252, an Act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

House File 375, an Act relating to the duties imposed on a real estate broker by a brokerage agreement.

House File 469, an Act increasing the membership of the real estate commission.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 252

AN ACT

RELATING TO THE CONTROL OF NOXIOUS WEEDS ON LAND BY PROVIDING ALTERNATIVE NOTICE PROCEDURES TO LANDOWNERS AND OTHER RESPONSIBLE PERSONS.

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

Section 1. Section 317.6, Code 2005, is amended to read as follows:

317.6 ENTERING LAND TO DESTROY WEEDS -- NOTICE.

~~In case of~~ If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies ~~and,~~ or employees acting under the weed commissioner's direction ~~shall have full power and authority to~~ may enter upon any land within ~~their~~ the commissioner's county for the purpose of destroying noxious weeds. ~~Such~~ The entry may be made without the consent of the landowner or person in possession or control of the land ~~but,~~ However, ~~the~~ actual work of destruction shall not be commenced until five days after the ~~service of a notice in writing on~~ the landowner and ~~on~~ the person in possession or ~~in~~ control of the land have been notified. The notice shall state the facts as relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors ~~and shall be served in the same manner as an original notice except as hereinafter provided~~. The notice ~~may~~ shall be ~~served~~ delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner, ~~the~~

~~weed-commissioner's-deputies~~ or any person designated in writing by the weed commissioner ~~and~~. However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. Provided, ~~however,~~ ~~that-service-on-persons-living-temporarily-or-permanently-outside-of-the-county-may-be-made-by-sending-the-written-notice-of-noncompliance-by-certified-mail-to-said-person-at-the~~ The last known address to of the owner or person in possession or control of the land may be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person, ~~firm-or-corporation~~ owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice ~~herein-provided~~ may be ~~served-on~~ delivered to that agent. In computing time hereunder for notice, it shall be from the date of service as evidenced on the return or-if of service. If delivery is made by certified mail, it shall be from the date of mailing as-evidenced-by-the certified-mail-book-at-the-post-office-where-mailed.

Sec. 2. Section 317.16, Code 2005, is amended to read as follows:

317.16 FAILURE TO COMPLY.

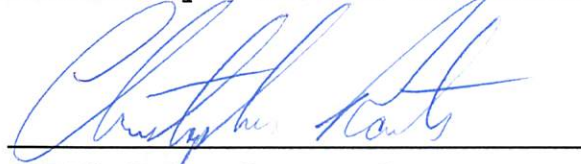
1. In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to this chapter, the weed commissioner ~~or-the-deputies~~ may, ~~subsequent-to-the-time-after-service-of-the-notice-provided-for-in-section-317.6-enter~~ do any of the following:

a. Enter upon the land and as cause provided in section 317.6 and provide for the destruction of the weeds to-be destroyed, ~~or-may-impose~~ as provided in section 317.6.

b. Impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in possession or control of the land fails to comply. If a penalty is imposed and the owner or person in possession or control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed.

2. 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 ~~servng~~ providing 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 under this section shall be recovered by a similar assessment.



CHRISTOPHER C. RANTS
Speaker of the House



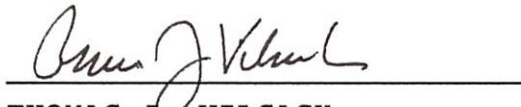
JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 252, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved april 19, 2005



THOMAS J. VILSACK
Governor