

House File 2422 - Enrolled

House File 2422

AN ACT

PROVIDING FOR THE MANAGEMENT OF WEEDS, INCLUDING NOXIOUS WEEDS,
AND MAKING PENALTIES APPLICABLE.

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

Section 1. Section 317.1, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. "*Department*" means the department of agriculture and land stewardship.

Sec. 2. Section 317.1A, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A plant is also declared to be a noxious weed as provided in rules adopted by the department pursuant to chapter 17A. The department's determination shall be based on a finding that the plant is competitive, persistent, or pernicious, and may directly or indirectly injure or cause damage to crops, other useful plants, livestock, or poultry; irrigation, land, public roads, fish or wildlife resources; or the public health.

Sec. 3. NEW SECTION. 317.1B **State weed commissioner.**

The secretary of agriculture may appoint a state weed commissioner to aid in the administration of this chapter and carry out other duties as assigned by the secretary of agriculture relating to the control or eradication of weeds.

Sec. 4. NEW SECTION. 317.1C **Department — powers and duties.**

1. The department shall assist commissioners, boards of

supervisors, and cities in the interpretation of this chapter and the administration and enforcement of this chapter.

2. *a.* The department may adopt administrative rules, pursuant to chapter 17A, providing a list of plants that it determines is noxious in the manner provided in section 317.1A.

b. The department may establish priorities from the list of noxious weeds described in section 317.1A for control or eradication. The priorities may be published annually and made available to the state department of transportation, counties, commissioners, and to the public on the internet site controlled by the department of agriculture and land stewardship. The state department of transportation, boards of supervisors, and weed commissioners shall consider the priorities when establishing programs of weed control or eradication pursuant to section 317.13.

3. The department may adopt rules, pursuant to chapter 17A, providing a list of recommended methods for control or eradication of noxious weeds.

Sec. 5. Section 317.11, subsection 1, Code 2018, is amended to read as follows:

1. The county boards of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. ~~Spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the noxious weeds.~~

Sec. 6. Section 317.13, Code 2018, is amended to read as follows:

317.13 Program of control or eradication.

1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control or eradication for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also ~~by adopting~~ adopt an integrated roadside vegetation management plan ~~prescribe and order as part of a program of weed control~~ or eradication for purposes of complying with all sections of **this chapter**. ~~The program for weed control ordered or adopted by the county board of supervisors shall provide~~

~~that spraying for control of weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.~~

2. The program of weed control or eradication shall include ~~a program of issuing~~ permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This ~~paragraph~~ subsection applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

Sec. 7. Section 317.18, Code 2018, is amended to read as follows:

317.18 Order for weed control on roads.

The A county board of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. A board of supervisors may order all noxious weeds, within the right-of-way of all roads under county jurisdiction ~~to be cut, burned, or otherwise controlled to prevent seed production~~ or eradicated, 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 be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan, ~~and the~~. The order shall define the roads along which noxious weeds are required to be ~~cut, burned, or otherwise controlled~~ or eradicated and shall require the weeds to be ~~cut, burned, or otherwise controlled~~ or eradicated within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan. ~~The order shall provide that spraying for control of noxious weeds shall be limited to those circumstances when it is not practical to mow or otherwise control the weeds.~~

Sec. 8. Section 317.19, subsection 1, Code 2018, is amended to read as follows:

1. The board of supervisors may appropriate moneys to

be used for the purposes of ~~cutting, burning, or otherwise~~ controlling or eradicating weeds or brush within the right-of-way of roads under county jurisdiction in a manner consistent with the county's ~~roadside vegetation management plan, if the county has adopted such a plan, or in time to prevent reseeding~~ program of weed control or eradication pursuant to section 317.13, except as provided in section 314.17. ~~The moneys appropriated shall not be spent on spraying for control of weeds except in those circumstances when it is not practical to mow or otherwise control the weeds.~~

Sec. 9. REPEALS. Sections 317.2, 317.5, 317.8, and 317.17, Code 2018, are repealed.

LINDA UPMEYER
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2422, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2018

KIM REYNOLDS
Governor