

agreed

JAN 24 1990

Place On Calendar

HOUSE FILE 2166
BY COMMITTEE ON LOCAL GOVERNMENT
Substituted for S.F. 2151 2/2 (p. 2-2)
(SUCCESSOR TO HSB 594)

Passed House, Date 1-29-90 (p. 227) Passed Senate, Date 4/6/90 (p. 1625)

Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0

Approved April 19, 1990

Repassed House p. 6161 4/7/90 (p. 224)
89-0

A BILL FOR

50871 An Act adding marijuana to the list of secondary noxious weeds.

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

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HF 2166

5087 amends all

1 Section 1. Section 317.1, subsection 2, unnumbered
2 paragraph 1, Code 1989, is amended to read as follows:
3 Secondary noxious weeds, which shall include butterprint
4 (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*)
5 annual, wild mustard (*Brassica arvensis*) annual, wild carrot
6 (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*)
7 perennial, sheep sorrel (*Rumex acetosella*) perennial, sour
8 dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*)
9 perennial, poison hemlock (*Conium maculatum*), multiflora rose
10 (*Rosa multiflora*), wild sunflower (wild strain of *Helianthus*
11 *annus* L.) annual, puncture vine (*Tribulus terrestris*) annual,
12 teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*)
13 annual, and marijuana (*Cannibus sativa*) annual.

14 EXPLANATION

15 The bill adds marijuana to the list of secondary noxious
16 weeds, thus permitting county weed commissioners and county
17 boards of supervisors to destroy marijuana.

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SENATE AMENDMENT TO HOUSE FILE 2166

H-6161

1 Amend House File 2166, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 80.9, subsection 2, Code 1989,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. g. To identify and eradicate
8 marijuana plants found growing on public or private
9 property when growing marijuana plants are reported to
10 the department, and adopt rules governing the
11 identification and eradication of marijuana plants in
12 cooperation with local law enforcement officials.

13 Sec. 2. Section 317.4, Code 1989, is amended to
14 read as follows:

15 317.4 DIRECTION AND CONTROL.

16 As used in this chapter, "commissioner" means the
17 county weed commissioner or the commissioner's deputy
18 within each county. Each commissioner, subject to
19 direction and control by the county board of
20 supervisors, shall supervise the control and
21 destruction of all noxious weeds in the county,
22 including those growing within the limits of cities,
23 within the confines of abandoned cemeteries, and along
24 streets and highways unless otherwise provided. A
25 commissioner shall notify the department of public
26 safety of the location of marijuana plants found
27 growing on public or private property. A commissioner
28 may enter upon any land in the county at any time for
29 the performance of the commissioner's duties, and
30 shall hire the labor and equipment necessary subject
31 to the approval of the board of supervisors.

32 Sec. 3. Section 317.22, Code 1989, is amended to
33 read as follows:

34 317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

35 ~~It shall be the duty of all~~ All officers directly
36 responsible for the care of public highways ~~to shall~~
37 make a complaint to the weed commissioners or board of
38 supervisors, whenever if it shall appear appears that
39 the provisions of this chapter may not be complied
40 with in time to prevent the blooming and maturity of
41 noxious weeds or the unlawful growth of weeds or
42 marijuana, whether in the streets or highways for
43 which they are responsible or upon lands adjacent to
44 the same."

45 2. Title page, by striking line 1, and inserting
46 the following: "An Act relating to the identification
47 and eradication of marijuana."

RECEIVED FROM THE SENATE

H-6161 FILED APRIL 6, 1990

House concurred 4/7 (p. 224)

HOUSE FILE 2166

S-5087

1 Amend House File 2166, as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 80.9, subsection 2, Code 1989,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. g. To identify and eradicate
8 marijuana plants found growing on public or private
9 property when growing marijuana plants are reported to
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21 destruction of all noxious weeds in the county,
22 including those growing within the limits of cities,
23 within the confines of abandoned cemeteries, and along
24 streets and highways unless otherwise provided. A
25 commissioner shall notify the department of public
26 safety of the location of marijuana plants found
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40 with in time to prevent the blooming and maturity of
41 noxious weeds or the unlawful growth of weeds or
42 marijuana, whether in the streets or highways for
43 which they are responsible or upon lands adjacent to
44 the same."

45 2. Title page, by striking line 1, and inserting
46 the following: "An Act relating to the identification
47 and eradication of marijuana."

By COMMITTEE ON AGRICULTURE
BERL E. PRIEBE, Chairperson

S-5087 FILED FEBRUARY 13, 1990

(Adopted 4/6 (p. 1625))

HOUSE FILE 2166

S-5526

1 Amend the amendment, S-5087, to House File 2166, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 3 through 13 and
4 inserting the following:

5 "____. Page 1, by inserting after line 13, the
6 following:

7 "Sec. ____ Section 317.4, Code 1989, is amended
8 to"."

9 2. By renumbering as necessary.

By RICHARD VANDE HOEF

S-5526 FILED MARCH 16, 1990

Loat 4/6 (p. 1625)

HOUSE FILE 2166
BY---(PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

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

A BILL FOR

1 An Act adding marijuana to the list of secondary noxious weeds.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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6 (Daucus carota) biennial, buckhorn (Plantago lanceolata)
7 perennial, sheep sorrel (Rumex acetosella) perennial, sour
8 dock (Rumex crispus) perennial, smooth dock (Rumex altissimus)
9 perennial, poison hemlock (Conium maculatum), multiflora rose
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11 annus L.) annual, puncture vine (Tribulus terrestris) annual,
12 teasel (Dipsacus) biennial, and shattercane (Sorghum bicolor)
13 annual, and marijuana (Cannibus sativa) annual.

14 EXPLANATION

15 The bill adds marijuana to the list of secondary noxious
16 weeds, thus permitting county weed commissioners and county
17 boards of supervisors to destroy marijuana.

18 BACKGROUND STATEMENT

19 SUBMITTED BY THE AGENCY

20 Inclusion of marijuana as a noxious weed would allow the
21 county weed commissioners and the county boards of supervisors
22 control primarily over the growing of wild marijuana and to
23 order its destruction. Intentional cultivation of marijuana
24 would still be handled in accordance with established law
25 enforcement procedures.

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HOUSE FILE 2166

AN ACT

RELATING TO THE IDENTIFICATION AND ERADICATION OF MARIJUANA.

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

Section 1. Section 80.9, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. To identify and eradicate marijuana plants found growing on public or private property when growing marijuana plants are reported to the department, and adopt rules governing the identification and eradication of marijuana plants in cooperation with local law enforcement officials.

Sec. 2. Section 317.4, Code 1989, is amended to read as follows:

317.4 DIRECTION AND CONTROL.

As used in this chapter, "commissioner" means the county weed commissioner or the commissioner's deputy within each county. Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and along streets and highways unless otherwise provided. A commissioner shall notify the department of public safety of the location of marijuana plants found growing on public or private property. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the laoor and equipment necessary subject to the approval of the board of supervisors.

Sec. 3. Section 317.22, Code 1989, is amended to read as follows:

317.22 DUTY OF HIGHWAY MAINTENANCE PERSONNEL.

~~It shall be the duty of all~~ All officers directly responsible for the care of public highways to shall make a complaint to the weed commissioners or board of supervisors, ~~whenever if it shall appear~~ appears that the provisions of this chapter may not be complied with in time to prevent the blooming and maturity of noxious weeds or the unlawful growth of weeds or marijuana, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2166, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved *April 19* ~~March 21~~ 1990

TERRY E. BRANSTAD
Governor