

HOUSE BILL NO. HB0015

Weed and pest control.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to weed and pest control; modifying
2 definitions; providing for emergency declarations;
3 providing for district boards to buy and sell property and
4 equipment; repealing provision establishing inspectors as
5 district supervisors; modifying cost sharing with
6 landowners; increasing the amount on surety bonds;
7 requiring reports to the district board; increasing the
8 criminal penalty amount; providing for liens for cost of
9 abatement; providing conforming amendments; and providing
10 for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 11-1-103, 11-5-101, 11-5-102(a)(i),
15 (ii), (v), (vii), (viii), (x), (xi), (xii), (xviii), (xx),
16 by creating a new paragraph (xxiii) and by renumbering

1 (xxiii) as (xxiv), 11-5-104(g), 11-5-105(b)(vi) and by
2 creating a new paragraph (vii), 11-5-106, 11-5-107(a), (b)
3 and by creating a new subsection (d), 11-5-108(a),
4 11-5-109(a), 11-5-115(c) and 11-5-117 are amended to read:

5

6 **11-1-103. Penalty for violations.**

7

8 A person who violates any of the following sections commits
9 a misdemeanor punishable by imprisonment for not more than
10 six (6) months, a fine of not more than seven hundred fifty
11 dollars (\$750.00), or both for the first offense, or by
12 imprisonment for not more than one (1) year, a fine of not
13 more than one thousand five hundred dollars (\$1,500.00), or
14 both for second or subsequent offenses: W.S. 11-5-117,
15 11-6-210(a) or (f), 11-18-112, 11-19-101, 11-19-102,
16 11-19-111, 11-19-401, 11-20-114, 11-20-117, 11-20-229,
17 11-20-230, 11-21-104, 11-22-118, 11-23-106, 11-23-207,
18 11-24-106 and 11-30-114. A person who violates board rules
19 promulgated pursuant to W.S. 11-18-103(a)(v) shall be
20 subject to the penalties specified in this section.

21

22 **11-5-101. Short title; purpose of provisions.**

23

1 (a) This act may be cited as the "Wyoming Weed and
2 Pest Control Act ~~of 1973~~."

3
4 (b) The purpose of this act is controlling designated
5 and declared weeds and pests.

6
7 **11-5-102. Definitions.**

8
9 (a) As used in this act:

10
11 (i) ~~"Agricultural"~~ "Pesticide" means any material
12 used to control or eradicate weeds or pests;

13
14 (ii) "Authorized dealer" means ~~a resident of any~~
15 pesticide dealer licensed in Wyoming who sells, retails,
16 wholesales, distributes, offers or exposes for sale,
17 exchanges, barter or gives away any ~~agricultural~~ pesticide
18 within this state;

19
20 (v) "Control" means the process of containing,
21 ~~and limiting weed and pest infestations~~ preventing,
22 identifying and mitigating weed and pest infestations by
23 using multiple integrated management practices, including
24 but not limited to, regulation, prevention, survey,

1 eradication, pesticides, cultivation, competition, grazing
2 and biological control in an adaptive management effort
3 designed to reduce economic and ecological impacts from
4 designated and declared species and to protect uninfested
5 lands;

6
7 (vii) "Declared pest" means any animal or insect
8 species which the board and the Wyoming weed and pest
9 council have found, either by virtue of its direct or
10 indirect effect to negatively impact management of
11 agricultural or natural ecosystems, or as a carrier of
12 disease or parasites, to be detrimental to the general
13 welfare of persons residing within a district;

14
15 (viii) "Declared weed" means any plant species
16 which the board and the Wyoming weed and pest council have
17 found, either by virtue of its direct or indirect effect to
18 negatively impact management of agricultural or natural
19 ecosystems, or as a carrier of disease or parasites, to be
20 detrimental to the general welfare of persons residing
21 within a district;

22
23 (x) "Designated list" means the list of weeds
24 and pests from time to time designated by joint resolution

1 of the board and the Wyoming weed and pest council or by an
2 emergency declaration of the director;

3
4 (xi) "Designated noxious ~~weeds" means the weeds,~~
5 weed" means any plant species whose seeds or other plant
6 parts ~~that are considered detrimental, destructive,~~
7 ~~injurious or poisonous, either by virtue of their direct~~
8 ~~effect or as carriers of diseases or parasites that exist~~
9 ~~within this state, and are on the designated list; are~~
10 determined to be detrimental to the general welfare of
11 persons residing within the state of Wyoming due to any of
12 the following:

13
14 (A) Has demonstrated the ability to
15 aggressively invade native plant communities and
16 agricultural crops;

17
18 (B) Is injurious or poisonous to livestock;

19
20 (C) Is a carrier of disease or parasites;

21
22 (D) Can, by virtue of either direct or
23 indirect effect, negatively impact management of
24 agricultural or natural ecosystems;

1

2

(E) Is on the designated list.

3

4

(xii) "Designated ~~pests~~" ~~means animals or~~

5

~~insects which are on the designated list considered pest"~~

6

means any animal or insect species that is determined to be

7

detrimental to the general welfare of ~~the state; persons~~

8

residing within the state of Wyoming due to any of the

9

following:

10

11

(A) Its demonstrated ability to

12

aggressively invade native plant communities and

13

agricultural crops;

14

15

(B) Is injurious or poisonous to livestock;

16

17

(C) Is a carrier of disease or parasites;

18

19

(D) Can, by virtue of either its direct or

20

indirect effect, negatively impact management of

21

agricultural or natural ecosystems;

22

23

(E) Is on the designated list.

24

1 (xviii) "Farm products" means all crops, crop
2 products, nursery stock, plants or portions thereof, but
3 shall not mean livestock;

4
5 (xx) "Landowner" means any ~~owner or lessee of~~
6 ~~state, municipal or private land, and includes an owner of~~
7 person who has actual use, exclusive possession of or
8 exercises control over the land through any lease,
9 easement, right-of-way or estate in the land. Federal
10 landowner means the federal agency having jurisdiction over
11 any lands affected by this act;

12
13 (xxiii) "Emergency declaration" means the
14 addition of a weed or pest to either the statewide
15 designated list or to a county declared list on an
16 emergency basis to allow for immediate control activities.
17 An emergency declaration shall only last until formal
18 action can be taken by the council and the board to list
19 the species through established rules, and in any case not
20 to exceed one (1) year;

21
22 ~~(xxiii)~~(xxiv) "This act" means W.S. 11-5-101
23 through 11-5-119.

24

1 **11-5-104. District board of directors; appointment;**
2 **terms; vacancies; compensation and expenses.**

3

4 (g) At the first regular meeting in February the
5 district board shall elect from its members a chairman and
6 a vice-chairman, and appoint a secretary and a treasurer.
7 The positions of secretary and treasurer need not be
8 members of the district board. The treasurer shall furnish
9 a surety bond to the district before entering upon the
10 duties of office in an amount to be set by the district
11 board but not less than ~~three thousand dollars (\$3,000.00)~~
12 fifty thousand dollars (\$50,000.00).

13

14 **11-5-105. Duties; powers; supervisor compensation.**

15

16 (b) The district board of each district may:

17

18 (vi) Participate in programs for the control of
19 declared weeds and declared pests not included on the
20 designated list~~;~~ ~~Such programs do not qualify for~~
21 ~~cost sharing from the department.~~

22

1 (vii) Buy and sell real property, personal
2 property and equipment as needed to carry out district
3 programs.

4
5 **11-5-106. Board of certification; duties.**

6
7 A board of certification is established consisting of the
8 director or his designee, a University of Wyoming weed or
9 pest specialist appointed by the dean of the college of
10 agriculture, two (2) certified district supervisors and a
11 district board member appointed by the Wyoming weed and
12 pest council. The board of certification shall promulgate
13 rules and requirements for certification of district
14 supervisors and shall certify all personnel meeting the
15 established requirements. ~~All inspectors certified as of~~
16 ~~February 10, 1973 are deemed certified district supervisors~~
17 ~~without any further actions of the board of certification.~~

18
19 **11-5-107. Purchase and sale of pesticides; cost share**
20 **with landowner.**

21
22 (a) The district board may purchase from authorized
23 dealers such quantities of ~~agricultural~~ pesticides ~~and~~
24 ~~equipment~~ as are necessary, and hire labor to carry out the

1 provisions of this act. Warrants in payment shall be drawn
2 on the weed and pest control fund.

3
4 (b) The district board may sell ~~agricultural~~
5 pesticides which have been registered with the department
6 for weed and pest control.

7
8 (d) The district board may cost share with the
9 landowner the cost of the pesticides, the cost of the
10 application and the cost of any other integrated management
11 practice for the control of designated or declared noxious
12 weeds and pests.

13
14 **11-5-108. Rates and application of pesticides;**
15 **payment by landowner; bidding restriction.**

16
17 (a) The district board may establish rates and engage
18 in the application of ~~agricultural~~ pesticides for weed and
19 pest control, subject to subsection (b) of this section.
20 ~~The district board may cost share in the agricultural~~
21 ~~pesticides, and the landowner shall pay the full cost of~~
22 ~~the application.~~ If services provided are not paid for by
23 the landowner for whom rendered as provided in W.S.

1 11-5-107(d), such indebtedness may be collected as provided
2 by W.S. 11-5-107(c).

3

4 **11-5-109. Inspection of land; remedial requirements;**
5 **cost to landowner; liens.**

6

7 (a) Whenever the district board has probable cause to
8 believe that there exists land infested by weeds or pests
9 which are liable to spread ~~and contribute to the injury or~~
10 ~~detriment of others,~~ it shall make or have made an
11 investigation of the suspected premises ~~through the use of~~
12 ~~lawful entry procedures. The designated representative of~~
13 ~~the district board,~~ after giving the landowner written
14 notice, and may go upon premises within the district,
15 ~~through the use of lawful entry procedures,~~ without
16 interference or obstruction for purposes of making a
17 reasonable investigation of the infested area. Notice is
18 deemed to have been given if it is deposited in a United
19 States post office by certified mail with sufficient
20 postage, addressed to the last known address of the
21 landowner at least five (5) days before entry.

22

23 **11-5-115. Program in cities and towns authorized;**
24 **funding; use of monies.**

1

2 (c) Monies received by the cities from the district
3 ~~may shall~~ be used ~~in any phase of weed and pest control to~~
4 control noxious weeds and pests as determined by the
5 governing body of the city or town. ~~The control program~~
6 ~~shall include work on designated weeds and pests as~~
7 ~~determined by the district board~~ The city or town shall
8 provide an annual report to the district board on
9 designated and declared weed and pest work completed within
10 the jurisdictional limits of the city or town.

11

12 **11-5-117. Criminal provision; penalty.**

13

14 Any person violating any provision of this act ~~is guilty of~~
15 ~~a misdemeanor, and shall be fined not more than one hundred~~
16 ~~dollars (\$100.00) in addition to fines provided for in W.S.~~
17 ~~11-5-109(e)~~ shall be punished as provided in W.S. 11-1-103.

18

19 **Section 2.** W.S. 11-5-109(d) and (e) is repealed.

20

21 **Section 3.** This act is effective July 1, 2011.

22

23 (END)