

HOUSE BILL NO. HB0038

Weed and pest amendments.

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

A BILL

for

1 AN ACT relating to weed and pest control; amending
2 provisions related to inspections and remediation of weed
3 and pest infestations; and providing for an effective date.

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

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7 **Section 1.** W.S. 11-5-109(a), (b), (c)(intro), (ii)
8 and (e) is amended to read:

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10 **11-5-109. Inspection of land; remedial requirements;**
11 **cost to landowner.**

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13 (a) Whenever the district board has probable cause to
14 believe that ~~there exists land~~ a landowner's property is
15 infested by weeds or pests which are liable to spread and

1 contribute to the injury or detriment of others and the
2 board has provided written notice of probable cause to the
3 landowner, it shall make or have made an investigation
4 inspection of the suspected premises through the use of
5 lawful entry procedures. ~~The designated representative of~~
6 ~~the district board, after giving the landowner written~~
7 ~~notice, may go upon premises within the district, through~~
8 ~~the use of lawful entry procedures, without interference or~~
9 ~~obstruction for purposes of making a reasonable~~
10 ~~investigation of the infested area. Notice is deemed to~~
11 ~~have been given if it is deposited in a United States post~~
12 ~~office by certified mail with sufficient postage, addressed~~
13 ~~to the last known address of the landowner at least five~~
14 ~~(5) days before entry.~~ No entry upon any premises, lands or
15 places shall be permitted under this subsection until the
16 landowner or occupant has been notified by certified mail
17 or other electronic means that provide actual notice to the
18 landowner or occupant that the inspection is pending at
19 least fifteen (15) days prior to the inspection. If
20 possible, inspections shall be scheduled and conducted with
21 the concurrence of the landowner or occupant. If, after
22 receiving notice that an inspection is pending, the
23 landowner or occupant denies access to the inspector of the

1 district board, the inspector may seek an administrative
2 inspection warrant issued by a municipal, circuit or
3 district court having jurisdiction over the land. No
4 landowner shall deny access to land when presented with an
5 administrative inspection warrant issued by a court. The
6 court shall issue an administrative inspection warrant upon
7 presentation by the district board, through its agent or
8 employee, of an affidavit stating:

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10 (i) The information that gives the inspector
11 probable cause to believe that any provision of this
12 chapter is being or has been violated;

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14 (ii) That the landowner or occupant has denied
15 access to the inspector; and

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17 (iii) A particularized description of the
18 location of the affected land.

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20 (b) If the suspected area is found to be infested,
21 the district board, by resolution adopted by two-thirds
22 (2/3) of its members, shall confirm such fact. The district
23 board may set forth minimum remedial requirements for

1 control of the infested area, including assisting the
2 landowner in developing an integrated pest management plan
3 for the species in question and potential estimated costs
4 if available.

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6 (c) The district board shall deliver, by certified
7 mail or other electronic means that provide actual notice
8 to the landowner or occupant, to the address of the
9 landowner appearing on the most recent tax ~~roles~~rolls of
10 the district all of the following:

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12 (ii) A statement of the estimated cost of
13 fulfilling the requirements that may be shared with the
14 landowner, as determined by district board policy; and

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16 (e) A landowner who is responsible for an infestation
17 and fails or refuses to perform the remedial requirements
18 for the control of the weed or pest on the infested area
19 within the time designated in the district board's
20 resolution may be fined not more than fifty dollars
21 (\$50.00) per day for each day of violation and not more
22 than a total of two thousand five hundred dollars
23 (\$2,500.00) per year as determined by the court. Any person

1 accused under this act is entitled to a trial by jury. The
2 accumulated fines under this section are a lien against the
3 property of the landowner from the day notice is delivered
4 to the landowner by the district board. All fines shall be
5 deposited with the county treasurer and credited to the
6 county school fund.

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8 **Section 2.** This act is effective July 1, 2020.

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(END)