

# WYOMING WEED & PEST CONTROL LAW BOOK

## Wyoming Weed and Pest Control Act

- General Provisions
- Special Management Area
- Emergency Insect Management Program

## Nursery Stock Law

## Seed Law

## Special District Law

## Environmental Pesticide Control Act of 1973

## Public Meetings Law

## Aquatic Invasive Species Law

## Uniform Municipal Fiscal Procedures Act

## Public Records

## Trespassing Law

## Wyoming Weed and Pest Control Act – Rules and Regulations

## Certification Rules and Regulations for Weed and Pest Supervisors

## Federal Noxious Weed List

## WY/NAISMA Weed Free Forage Standards



Uniting with  
Wyoming Weed and Pest Control Districts  
Wyoming Department of Agriculture  
University of Wyoming

Updated 05/2015

**Designated Noxious Weeds 11-5-102 (a) (xi) and  
Prohibited Noxious Weeds W.S. 11-12-104**

- 1) Field bindweed (*Convolvulus arvensis* L.)
- 2) Canada thistle (*Cirsium arvense* L.)
- 3) Leafy spurge (*Euphorbia esula* L.)
- 4) Perennial sowthistle (*Sonchus arvensis* L.)
- 5) Quackgrass (*Agropyron repens* (L.) Beauv.)
- 6) Hoary cress (whitetop) (*Cardaria draba* & *Cardaria pubescens* (L.) Desv.)
- 7) Perennial pepperweed (giant whitetop) (*Lepidium latifolium* L.)
- 8) Ox-eye daisy (*Chrysanthemum leucanthemum* L.)
- 9) Skeletonleaf bursage (*Franseria discolor* Nutt.)
- 10) Russian knapweed (*Centaurea repens* L.)
- 11) Yellow toadflax (*Linaria vulgaris* L.)
- 12) Dalmatian toadflax (*Linaria dalmatica* (L.) Mill.)
- 13) Scotch thistle (*Onopordum acanthium* L.)
- 14) Musk thistle (*Carduus nutans* L.)
- 15) Common burdock (*Arctium minus* (Hill) Bernh.)
- 16) Plumeless thistle (*Carduus acanthoides* L.)
- 17) Dyers woad (*Isatis tinctoria* L.)
- 18) Houndstongue (*Cynoglossum officinale* L.)
- 19) Spotted knapweed (*Centaurea maculosa* Lam.)
- 20) Diffuse knapweed (*Centaurea diffusa* Lam.)
- 21) Purple loosestrife (*Lythrum salicaria* L.)
- 22) Saltcedar (*Tamarix* spp.)
- 23) Common St. Johnswort (*Hypericum perforatum*)
- 24) Common Tansy (*Tanacetum vulgare*)
- 25) Russian olive (*Elaeagnus angustifolia* L.)
- 26) Black Henbane (*Hyoscyamus niger* L.)

**Designated Pests W.S. 11-5-102 (a) (xii)**

- 1) Grasshoppers (Suborder Caelifera)
- 2) Mormon crickets (*Anabrus simplex*)
- 3) Prairie dogs (Genus *Cynomys*)
- 4) Ground squirrels (Family Sciuridae)
- 5) Mountain pine beetle (*Dendroctonus ponderosae*)
- 6) Beet Leafhopper (*Circulifer tenellus*)



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**DISCLAIMER:**

*The information contained in this booklet should not be considered a definitive representation of laws pertaining to weed and pest control in Wyoming. Other state and federal statutes and regulations exist that were excluded for lack of space, not for a lack of relevance.*

*Rules and regulations contained within this booklet may only be a partial reference of applicable laws; therefore the user should consider a review of the complete state and federal codes for a comprehensive understanding and consult their appropriate legal representation for professional assistance.*

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AMERICANS WITH DISABILITIES ACT

To obtain this publication in an alternative format, please contact the  
Wyoming Department of Agriculture

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**CHAPTER 4 - STATE ENTOMOLOGIST**

- 11-4-101. Repealed by Laws 1991, ch. 16, § 1.
- 11-4-102. Repealed by Laws 1991, ch. 16, § 1.
- 11-4-103. Repealed by Laws 1991, ch. 16, § 1.
- 11-4-104. Repealed by Laws 1991, ch. 16, § 1.

**CHAPTER 5 - WEED AND PEST CONTROL**

**ARTICLE 1 - IN GENERAL**

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

(a) This act may be cited as the "Wyoming Weed and Pest Control Act."

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

**11-5-102. Definitions.**

(a) As used in this act:

(i) "Pesticide" means any material used to control or eradicate weeds or pests;

(ii) "Authorized dealer" means any pesticide dealer licensed in Wyoming who sells, retails, wholesales, distributes, offers or exposes for sale, exchanges, barter or gives away any pesticide within this state;

(iii) "Board" means the Wyoming board of agriculture established by authority of W.S. 11-2-101 through 11-2-104;

(iv) "Director" means the director of the department of agriculture for the state of Wyoming or his designated agent;

(v) "Control" means the process of containing, preventing, identifying and mitigating weed and pest infestations by using multiple integrated management practices, including but not limited to, regulation, prevention, survey, eradication, pesticides, cultivation, competition, grazing and biological control in an adaptive management effort designed to reduce economic and ecological impacts from designated and declared species and to protect uninfested lands;

(vi) "County commissioners" means the board of county commissioners of a county within which a district is located;

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

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

(ix) "Department" means the state department of agriculture;

(x) "Designated list" means the list of weeds and pests from time to time designated by joint resolution of the board and the Wyoming weed and pest council or by an emergency declaration of the director;

(xi) "Designated noxious weed" means plant species having seeds or other plant parts determined to be detrimental to the general health or welfare of the state based upon the following:

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

(B) Is injurious or poisonous to livestock;

(C) Is a carrier of disease or parasites;

(D) Can, by virtue of either direct or indirect effect, negatively impact management of agricultural or natural ecosystems.

(xii) "Designated pest" means any animal or insect species that is determined to be detrimental to the health or general welfare of the state based upon the following:

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

(B) Is injurious or poisonous to livestock;

(C) Is a carrier of disease or parasites;

(D) Can, by virtue of either its direct or indirect effect, negatively impact management of agricultural or natural ecosystems.

(xiii) Repealed by Laws 1993, ch. 191, § 4.

(xiv) "District" means any county weed and pest control district;

(xv) "District board" means the board of directors of a district having jurisdiction within the boundaries of the district it represents;

(xvi) "District board member area" means a geographical area within a district from which a member of the board of the district is appointed;

(xvii) Repealed by Laws 1993, ch. 191, § 4.

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

(xix) "Infested farm products" means farm products which contain injurious insects, pests, weed seed, poisonous or injurious plants or any injurious portion thereof, or plant diseases;

(xx) "Landowner" means any person who has actual use, exclusive possession of or exercises control over the land through any lease, easement, right-of-way or estate in the land. Federal landowner means the federal agency having jurisdiction over any lands affected by this act;

(xxi) "District supervisor" means the person appointed or employed by the district board for the purpose of carrying out this act within a district;

(xxii) "Wyoming weed and pest council" means the state council composed of one (1) representative of each district as authorized in writing by that board of directors. The director of the department of agriculture or his designated representative shall serve ex officio;

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

(xxiv) "This act" means W.S. 11-5-101 through 11-5-119.

#### **11-5-103. Composition of districts.**

All land within the boundaries of Wyoming including all federal, state, private and municipally owned lands, is hereby included in weed and pest control districts within the county in which the land is located, with the boundaries of the district being the same as the boundaries of the county. Each district shall be known as the "... County Weed and Pest Control District, State of Wyoming."

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

(a) The county commissioners of each district shall hold a public meeting for appointing a district board of directors for the district. Prior to the meeting the county commissioners shall establish the number of members of the district board and shall establish district board member areas. The county commissioners may seek the advice and counsel of the members of the former district board for the establishment of district board member areas. Each district board member area shall be contiguous. Notice of the meeting shall be advertised in the official newspaper of the county at least two (2) times before the date of the meeting, with the last publication being at least ten (10) days prior to the date of the meeting. The notice shall solicit nominations for

directors by petition signed by at least ten (10) landowners to be submitted at least five (5) days before the date of the meeting.

(b) From the nominations submitted the county commissioners shall appoint the district board which shall consist of five (5) or seven (7) directors. Directors shall serve for a term of four (4) years or until their successors are appointed and qualified.

(c) Any qualified elector in the district board member area he is appointed to represent is eligible to hold the office of director.

(d) All district board members shall be appointed by the county commissioners at their first regular meeting in January of each year from among nominations submitted by petition in the manner set forth in subsection (a) of this section. In districts encompassing cities or towns with a population of five thousand (5,000) or more, one (1) district board member shall be appointed from within the limits of a city or town. A district board member shall assume office at the first regular meeting of the district board following appointment.

(e) The county commissioners shall remove a director for repeated unexcused failure to attend meetings or for refusal or incapacity to act as a district board member.

(f) When a vacancy occurs on a district board the county commissioners shall, at the next regular meeting, appoint an individual who possesses the necessary qualifications as a district board member to fill the unexpired term.

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

(h) The members of the district board shall serve without pay, but are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate as established for state employees.

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

(a) The district board shall:

(i) Implement and pursue an effective program for the control of designated weeds and pests;

(ii) Fix the time and place of regular meetings, which shall occur at least once each month and shall be open to the public;

(iii) Keep minutes of all meetings and a complete record of all official acts, including all warrants issued against monies belonging to the district, which are open for public inspection during regular office hours;

(iv) Employ certified district supervisors and if certified personnel are not available, employ an acting district supervisor who shall become certified within twenty-four (24) months from the initial date of employment;

(v) Make at least one (1) annual inspection to determine the progress of weed and pest activities within a district;

(vi) Obtain competitive bids for any purchase costing more than ten thousand dollars (\$10,000.00);

(vii) Control and disburse all monies received from any source;

(viii) Render technical assistance to any city or town with a population of five thousand (5,000) or more which establishes a program as provided in W.S. 11-5-115.

(b) The district board of each district may:

(i) Sue and be sued;

(ii) Employ personnel and determine duties and conditions of employment;

(iii) Coordinate activities with the department and enter into cooperative agreements with other agencies;

(iv) Secure and maintain bond or liability insurance, when deemed feasible by the district board;

(v) Submit to the department reports required by the board;

(vi) Participate in programs for the control of declared weeds and declared pests not included on the designated list;

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

(c) The district supervisor shall receive a salary and expenses as approved by the district board.

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

A board of certification is established consisting of the director or his designee, a University of Wyoming weed or pest specialist appointed by the dean of the college of agriculture, two (2) certified district supervisors and a district board member appointed by the Wyoming weed and pest council. The board of certification shall promulgate rules and requirements for certification of district supervisors and shall certify all personnel meeting the established requirements.

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

(a) The district board may purchase from authorized dealers such quantities of pesticides as are necessary, and hire labor to carry out the provisions of this act. Warrants in payment shall be drawn on the weed and pest control fund.

(b) The district board may sell pesticides which have been registered with the department for designated or declared noxious weed and pest control.

(c) In the case of delinquent indebtedness under this section the district board may seek a judgment from the district court for the indebtedness, reasonable attorneys' fees and costs. The judgment shall be enforced as provided by law.

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

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

(a) The district board may establish rates and engage in the application of pesticides for weed and pest control, subject to subsection (b) of this section. If services provided are not paid for by the landowner for whom rendered as provided in W.S. 11-5-107(d), such indebtedness may be collected as provided by W.S. 11-5-107(c).

(b) A district board shall not engage in competitive bidding of bare ground application of pesticides for industrial weed control, unless there are no commercially licensed entities operating in the state that are able and willing to perform the service. Nothing in this subsection shall limit the district board's authority to act pursuant to W.S. 11-5-105(a) (i) and 11-5-109.

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

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

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

(c) The district board shall deliver, by certified mail, to the address of the landowner appearing on the most recent tax roles of the district:

(i) A copy of the resolution;

(ii) A statement of the cost of fulfilling the requirements; and

(iii) A request that the requirements contained in the resolution be carried out at the owner's expense within a designated period of time or on a cooperative basis.

(d) At the request of the landowner, the district board shall hold a hearing in accordance with the Wyoming Administrative Procedure Act.

(e) A landowner who is responsible for an infestation and fails or refuses to perform the remedial requirements for the control of the weed or pest on the infested area within the time designated may be fined not more than fifty dollars (\$50.00) per day for each day of violation and not more than a total of two thousand five hundred dollars (\$2,500.00) per year as determined by the court. Any person accused under this act is entitled to a trial by jury. The accumulated fines under this section are a lien against the property of the landowner from the day notice is delivered to the landowner by the district board. All fines shall be deposited with the county treasurer and credited to the county school fund.

**11-5-110. Appraisal of damage to landowner; hearing.**

When the district board determines by resolution that the landowner's property has been damaged as a result of carrying out its requirements, the district board shall by resolution appoint three (3) disinterested freeholders within the district to appraise the amount of damage, upon which the district shall forthwith compensate the landowner. The landowner may file a claim for damages and is entitled to a hearing relative to the amount of damages pursuant to the Wyoming Administrative Procedure Act.

**11-5-111. Tax levied on property in district; maximum amount; weed and pest control fund.**

The county commissioners shall annually levy a tax to carry out this act. The tax shall be levied upon all property in the district and shall not exceed one (1) mill on each one dollar (\$1.00) of assessed valuation. The tax is not part of the general county or city mill levies. All taxes levied and collected shall be remitted to the district for a separate fund to be known as the weed and pest control fund, which shall be used only to carry out this act.

**11-5-112. Repealed by Laws 1979, ch. 135, § 3.**

**11-5-113. Allocation of funds; formula; special funding.**

(a) An allocation committee composed of the director of the department of agriculture, three (3) members appointed by the Wyoming weed and pest council and one (1) member of the board shall allocate the funds of any legislative appropriation to the district boards pursuant to a formula adopted by the committee. No district board shall receive an amount in excess of one-third (1/3) of its actual expenditures from any appropriation, unless the appropriation provides assistance in control to a district board under subsection (b) of this section.

(b) If the district board determines a weed or pest is seriously endangering areas of a district or the state, assistance in control may be provided by legislative appropriation for this purpose, and the allocation committee shall allocate the appropriation accordingly, and the allocation committee and each affected district board shall be responsible for insuring that the funds are properly expended.

**11-5-114. Allocated funds; procedure to disburse.**

A request for allocated funds pursuant to W.S. 11-5-113 shall be initiated by the district board by submitting a voucher and documentation. Upon the approval of the voucher by the allocation committee, payment shall be made by the state auditor out of funds provided for control of weeds and pests.

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

(a) The governing body of any city or town with a population of five thousand (5,000) or more may establish and administer a program for the control of weeds and pests within the jurisdictional limits of the city or town. If such a program is not established, the district board shall administer a program for the city or town.

(b) A district having a city or town with a population of five thousand (5,000) or more which establishes a program shall, within thirty (30) days after receipt of any funds collected pursuant to W.S. 11-5-111, transfer eighty-five

percent (85%) of the funds attributed to the property within the corporate limits of the city or town to the governing body of the city or town, retaining fifteen percent (15%) of the funds for administration of the district and for technical assistance rendered to the city or town by the district board.

(c) Monies received by the cities from the district shall be used to control noxious weeds and pests as determined by the governing body of the city or town. The city or town shall provide an annual report to the district board on designated and declared weed and pest work completed within the jurisdictional limits of the city or town.

(d) The governing body of a city or town which establishes a control program may petition the district board for special assistance and funding authorized by W.S. 11-5-113 and 11-5-114.

**11-5-116. Quarantine by director; request by district.**

(a) Whenever the director, the district board or their agents find any section of the state to be infested with insects, pests, poisonous or injurious plants or plant diseases, and it is established that farm products from that section are liable to spread the insects, pests, poisonous or injurious plants or plant diseases into other sections to the injury of others, the director shall without unnecessary delay, declare a quarantine against such section to prevent the transfer of farm products from the quarantined area. When it is ascertained that insects, pests, weed seed, poisonous or injurious plants or plant diseases are likely to be introduced into Wyoming by the importation of farm products, domestic animals or other objects, the director shall declare a quarantine against the importation of such farm products.

(b) A district may initiate a district-wide quarantine by one (1) of the following procedures:

(i) A district may request in writing that the director declare a district-wide quarantine. Upon receipt of the request, the director shall instruct the district to circulate a petition for ninety (90) days within the district to obtain signatures of at least two-thirds (2/3) of all resident landowners owning at least fifty-one percent (51%) of all resident-owned land. Upon receipt of the properly executed petition, the director shall declare a district-wide quarantine;

(ii) A district board may hold a hearing in compliance with the Wyoming Administrative Procedure Act. The director shall declare a district-wide quarantine when the district has provided the director with proper documentation that a hearing has been held and the district has found a need for a district-wide quarantine;

(iii) The district board may hold a district-wide referendum. The director shall declare a district-wide quarantine upon receipt of a certified document indicating that the referendum was accepted by a majority of the electors who voted in the election.

(c) The director shall declare an individual quarantine when requested by resolution adopted by a two-thirds (2/3) majority of the board.

(d) The district board in compliance with W.S. 11-5-101 through 11-5-119 may request a quarantine against the entry of infested farm products that may be injurious and detrimental to the state and enter into agreements with the law enforcing agencies to carry out the quarantine provision:

(i) Farm products and equipment shall be certified free of designated noxious weed seeds or infested farm products prior to entry into the state, with the exception of any processed feed or grain to be reprocessed and fed to livestock;

(ii) Farm products and equipment are to be certified in the state of origin by the proper officials;

(iii) Interstate shipment of farm products through the state need not be certified if covered in a prescribed manner as not to allow the dissemination of infested farm products.

**11-5-117. Criminal provision; penalty; civil penalties; limitations; necessary proof.**

(a) Any person violating any provision of this act is guilty of a misdemeanor, and shall be fined not more than seven hundred fifty dollars (\$750.00) in addition to fines provided for in W.S. 11-5-109(e).

(b) In any proceeding to impose any fine or penalty for any failure to perform a remedial requirement ordered by a district board for control of a weed or pest in any infested area, the district board shall have the burden of proving:

(i) That the proposed remedial action would control the target weed or pest;

(ii) That the remedial action would be a cost effective action and would be more cost effective than any alternative action proposed or adopted by the landowner; and

(iii) That the weed or pest to be controlled was at risk of spreading to the land of others in the area.

**11-5-118. Inspection for contamination.**

Farm products and agricultural, commercial or industrial equipment entering or moving within the district are subject to inspection for contamination of designated weeds and pests by the district board through its designated agents. The board and the Wyoming weed and pest council may promulgate rules and regulations which establish inspection standards and remedial requirements under this section.

**11-5-119. Rules and regulations.**

The board, with the approval of a majority of the districts, may promulgate, adopt and publish rules and regulations in accordance with the Wyoming Administrative Procedure Act for the purpose of carrying out the intent of this act.

**ARTICLE 2 - LEAFY SPURGE CONTROL**

11-5-201. Repealed by Laws 1983, ch. 87, § 1.

11-5-202. Repealed by Laws 1983, ch. 87, § 2.

**ARTICLE 3 - SPECIAL MANAGEMENT PROGRAM**

**11-5-301. Authorization of program.**

A weed and pest special management program may be carried out as provided by this article and legislative appropriation acts. All state and local governmental entities shall comply with the program.

**11-5-302. Definitions.**

(a) As used in this article:

(i) "District" means any county weed and pest control district;

(ii) "Integrated management system" means the planning and implementation of a coordinated program utilizing all proven methods for containing and controlling undesirable plants and pests, including but not limited to education, preventive measures, physical methods, biological agents, pesticide methods, cultural methods and management;

(iii) "Management zone" means a geographical area within a district;

(iv) "Materials" means materials used in carrying out the objectives of integrated management system;

(v) "Method" means a procedure or process for carrying out the application method prescribed;

(vi) "Pest" means any declared pest or designated pest defined by W.S. 11-5-102(a);

(vii) "Treatment program" means the use of an integrated management system prescribed by the district board or the board's designated representative;

(viii) "Undesirable plant" means any declared weed or designated noxious weed as defined by W.S. 11-5-102(a).

**11-5-303. Program components; funding; rulemaking authority; penalties.**

(a) Any district may carry out a weed and pest special management program in accordance with this article. If a district initiates a program, leafy spurge (*Euphorbia esula*) shall receive priority in the program. A district may also implement an integrated management system under W.S. 11-5-101 through 11-5-119 using funds specified by W.S. 11-5-111, provided leafy spurge shall receive priority pursuant to this article.

(b) Pursuant to this article a district may implement an integrated management system on two (2) undesirable plants or on two (2) pests or a combination of one (1) undesirable plant and one (1) pest but under no circumstance shall the program exceed a total of two (2).

(c) Any district which implements a special management program under this article shall:

(i) Establish one (1) or more management zones within the district. A management zone can only be formed with the written consent of a majority of the landowners in the proposed management zone;

(ii) Complete an inventory on lands within each management zone to determine the scope of infestation;

(iii) Establish management criteria for the special management program;

(iv) Select the materials and methods for the special management program based upon best available scientific facts, current technology and economic considerations;

(v) At least ten (10) days before final approval of the program by the district supervisors, publish notice in at least one (1) newspaper of general circulation within the county describing the special management program, listing the participating landowners and stating the approximate cost of the program.

(d) Programs under this article shall be funded as follows:

(i) Landowners shall contribute to the cost of the treatment program on their land as determined by the district board not to exceed twenty percent (20%) of the total cost;

(ii) The district shall contribute to the cost of the treatment program within the limitation of district funds available under subsection (e) of this section;

(iii) State or federal agencies owning lands or administering lands, which are untaxed for the purposes of this act, shall contribute the total cost of the treatment program on those lands;

(iv) Assistance to a district's coordinated program may be provided by legislative appropriation pursuant to W.S. 11-5-113(b).

(e) A district may levy not to exceed an additional one (1) mill on the assessed value of the taxable property within the district to fund its contributions under this section. Upon request by the district board, the board of county commissioners may levy the amount of tax requested not to exceed the mill levy authorized by W.S. 11-5-111 and this subsection.

(f) Any landowner who refuses to perform remedial requirements as established by the district board after due notice as required by W.S. 11-5-109 may be subject to a fine provided by W.S. 11-5-109.

(g) The state board of agriculture may:

(i) Adopt rules and regulations as provided by W.S. 11-5-119 to implement an effective special management program in Wyoming; and

(ii) Establish procedures for prompt reporting and billing of expenditures made and for timely forecasting of future expenditures which will be required.

**11-5-401. Definitions.**

(a) As used in this article:

(i) "Account" means the emergency insect management special revenue account created under W.S. 11-5-402;

(ii) "Committee" means the director of the department of agriculture, the director of the department of health, the director of the game and fish department, the Wyoming state veterinarian and the governor;

(iii) "Insect pests" mean infestations of grasshoppers, Mormon crickets or other cyclic or outbreak insect infestations or insect species new, recently introduced or which present a substantial possibility to be introduced into Wyoming such as fire ants, Africanized honeybees or other insect pests;

(iv) "Insect vectors" mean blood-feeding arthropods, mosquitoes, biting flies and other such insects that harbor or transmit pathogens harmful to human health and safety, animal health including livestock and wildlife, agriculture or natural resources.

**11-5-402. Emergency insect management account; established.**

The emergency insect management program account is created to consist of funds appropriated or designated to the account by law for the emergency management of insect pests or insect vectors.

**11-5-403. Administrative support for committee.**

Administrative support to the committee shall be provided by the department of agriculture. Expenses of the committee incurred under this article including administrative support shall be paid from the account.

**11-5-404. Program development; additional committee responsibilities; annual report.**

(a) Emergency insect management programs developed and receiving funds from the account under this article shall be based upon integrated pest management principles using the most current, scientifically valid methods to manage insect pests and vectors.

(b) Subject to subsection (a) of this section, the committee shall establish policies, standards and guidelines for programs receiving funds from the account under this article. In accordance with established program guidelines and policies, the committee shall review applications for participation submitted under this article, and based upon its review and evaluation, approve or disapprove program applications and if approved, establish the amount of program funding from the account.

(c) In addition to subsection (b) of this section, the committee shall, in cooperation with the governor, collect and compile data necessary to determine if emergency insect management programs under this article involve any threatened or endangered species under the federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as amended. If programs involve such species, the committee, in cooperation with the governor, shall request an exemption from federal regulation under this act for insect management purposes.

(d) The committee shall establish necessary procedures to process applications filed pursuant to this article.

(e) In addition to subsection (d) of this section, the committee shall annually report its activities for each fiscal period as required under W.S. 9-2-1014.

**11-5-405. Advisory assistance; assistance specified; expenses.**

(a) To assist with the establishment of policies, guidelines and the development of programs under this article, the committee may assemble necessary expertise from one (1) or more of the following organizations, institutions, groups or individuals:

(i) The Wyoming county commissioners association;

(ii) The Wyoming association of municipalities;

(iii) Pesticide applicators;

(iv) Landowners;

(v) Agricultural producers;

(vi) University of Wyoming faculty and staff;

(vii) Scientific and technology industry representatives;

(viii) Public representatives; and

(ix) Other representatives or individuals as may be determined by the committee.

(b) Persons assisting the committee in an advisory capacity pursuant to subsection (a) of this section and not employed by the state nor any political subdivision of the state shall receive reimbursement for actual and necessary expenses and mileage allowance at the rates established by law for state employees.

**11-5-406. Program participation requirements; application; funding participation levels specified; restriction on expenditures.**

(a) Any state agency or political subdivision may apply to the committee for participation in emergency insect management programs under this article. Applications shall be filed with the department of agriculture and shall at minimum, substantiate compliance with standards and guidelines established by the committee.

(b) Emergency management program participation under this article shall be subject to the following requirements:

(i) Insect vector management programs or nonoutbreak insect programs shall receive not more than fifty percent (50%) of total program costs from the account;

(ii) Subject to paragraph (iii) of this subsection, a reactive program for the suppression of outbreaks of grasshoppers, Mormon crickets or other outbreak insects on state and private lands shall receive not more than fifty percent (50%) of total program costs from the account;

(iii) If the emergency insect management program under paragraph (ii) of this subsection is for grasshopper suppression, the program shall consist of treatments targeting infestations greater than two thousand (2,000) acres or those suppressing less than the entire infestation regardless of size;

(iv) Subject to paragraph (v) of this subsection, a proactive, preventative program targeting incipient infestations of grasshoppers, Mormon crickets or other outbreak insects on state and private lands, with the potential to expand into outbreaks, shall receive not more than seventy-five percent (75%) of total program costs from the account;

(v) If the emergency insect management program under paragraph (iv) of this subsection is for grasshoppers, the program shall include up to two thousand (2,000) acres if the entire infestation is included within the program;

(vi) During the first three (3) years of operation of any emergency insect management program, not more than twenty percent (20%) of funds provided to the program from the account shall be used for administrative costs, equipment and mapping activities, and not more than ten percent (10%) of such funds shall be used for these purposes in subsequent years;

(vii) In addition to paragraph (vi) of this subsection and during the first three (3) years of program operation, not more than twenty percent (20%) of funds provided from the account to any program shall be expended for applied research specifically designed to provide immediate results directly in support of improved integrated pest management practices, and not more than ten percent (10%) of such funds may be used for this purpose in subsequent years.

**CHAPTER 46 - PEST CONTROL COMPACT**

11-46-101. Repealed By Laws 2014, Ch. 16, 1.

11-46-102. Repealed By Laws 2014, Ch. 16, 1.

11-46-103. Repealed By Laws 2014, Ch. 16, 1.

11-46-104. Repealed By Laws 2014, Ch. 16, 1.

11-46-105. Repealed By Laws 2014, Ch. 16, 1.

11-46-106. Repealed By Laws 2014, Ch. 16, 1.

11-46-107. Repealed By Laws 2014, Ch. 16, 1.

**BOARD OF AGRICULTURE WEED AND PEST RULE**  
**CHAPTER 42 - WYOMING WEED AND PEST CONTROL ACT RULES AND REGULATIONS**

**Section 1.** Authority. This Rule is promulgated pursuant to W.S. 11-5-119 of the Wyoming Weed and Pest Control Act (W.S. 11-5-101 through 11-5-119), hereinafter called the Act.

**Section 2.** Definitions. As used in this rule the following definitions shall apply:

(a) "District-wide" means the area contained within the boundaries of a weed and pest control district, including but not limited to all federal, state, county, private and municipally owned lands.

(b) "Individual Quarantine" shall mean an area owned or controlled by a single landowner within one weed and pest control district which has been quarantined.

(c) "Section of the State" means any portion of one or more weed and pest control district(s) larger than an area owned or controlled by one landowner in one weed and pest district.

(d) "State-wide" means the area contained within the boundaries of the State of Wyoming.

**Section 3.** Amendments to Designated List. The procedures for amending the Designated List are as follows:

(a) A person may propose an amendment for addition to or removal from the Designated List, which shall be presented in writing to a District Board;

(b) The District Board shall approve or disapprove the proposed amendment by motion at its next regular meeting and, if approved, a complete file shall be presented to the Wyoming Weed and Pest Council, including the following:

(i) A resolution prepared and signed by the District Board chairman;

(ii) Minutes from the meeting where the motion was approved by the District Board;

(iii) Species profile for the proposed weed or pest including scientific names and common names;

(iv) Known distribution within the State of Wyoming; and,

(v) Documented impacts which requires listing as a designated weed or designated pest.

(c) The Wyoming Weed and Pest Council shall approve or disapprove the District Board's proposed amendment at its next regular meeting and, if approved, shall prepare a joint resolution to be signed by the president and presented to the Board. The Board shall also be provided the complete file;

(d) The Board shall hold a public hearing to receive comments on the proposed amendment;

(e) After public comments are received, the Board shall approve or disapprove the proposed amendment by motion at its next regular meeting. If the proposed amendment is approved, the President of the Board shall co-sign the joint resolution. The Board shall advise the Wyoming Weed and Pest Council of its action;

(f) The Board shall notify the public of its action through publication in a newspaper of general circulation in the State and the Department of Agriculture website.

**Section 4.                   Emergency Amendments to Designated List.** The procedures for making an emergency amendment to the Designated List are as follows:

(a)                   A person may propose an amendment for addition to the Designated List, which shall be presented in writing to a District Board;

(b)                   The District Board shall approve or disapprove the proposed amendment by motion at a special or regular meeting and, if approved, a complete file shall be presented to the Director, including the following:

(i)                   A letter requesting an Emergency Designation of the weed or pest;

(ii)                   A resolution prepared and signed by the District Board chairman;

(iii)                   Minutes from the meeting where the motion was approved by the District Board;

(iv)                   Species profile of the proposed weed or pest including scientific names and common names;

(v)                   Distribution of the proposed weed or pest within the State of Wyoming;

(vi)                   Reasons for the emergency including how the species is having an impact statewide, or on sections of state encumbering more than one district which requires listing; and,

(vii)                   Proposed control activities.

(c)                   Following consultation with the President of the Board and the President of the Wyoming Weed and Pest Council, the Director shall approve or disapprove the motion within (5) business days of receiving the file;

(i)                   Non action on the part of the Director within the five (5) business days shall be deemed a disapproval of the proposed amendment.

(d)                   The Director shall notify the District Board of his decision in writing;

(i)                   If approved, the Director shall notify the District Board of the expiration date of the emergency amendment not to exceed one (1) year or until formal action can be taken under Section 3 of this Chapter.

(e)                   The Director shall notify the public of the approved emergency amendment through publication in a newspaper of general circulation in the State and on the Department's website;

(f)                   District Boards shall post the approved emergency amendment at a location accessible to the public.

(g)                   Emergency amendments for a species shall not qualify for another emergency amendment within three (3) years.

(h)                   Approved emergency amendments and all documentation shall be forwarded to the Council for consideration under Section 3 of this Chapter.

**Section 5.                   Declared Weeds and Pests.**

(a)                   If a District Board desires to participate in Declared Pest and Declared Weed programs for the control of weeds and pests not included in the designated list as provided in W.S. 11-5-105(b) (vi), the procedure for having a weed or pest declared is as follows:

(i)                   A person may propose an amendment for addition or removal from a District Boards Declared weed and pest program, which shall be presented to the District Board with jurisdiction over the boundaries presented in the proposal;

(ii) The District Board shall hold a public hearing to receive comments on the proposed amendment; and

(iii) Following the hearing the District Board shall approve or disapprove the proposed amendment by motion at the next scheduled meeting.

(iv) If the District Board approves an amendment for the removal of a declared weed or a declared pest, then the District Board shall notify the Wyoming Weed and Pest Council and the Board of its action and the amendment shall take effect immediately.

(v) If the approved amendment is for the addition of a declared weed or a declared pest, then:

(A) The District Board chairman shall prepare and sign a resolution and present it to the Wyoming Weed and Pest Council;

(B) The Wyoming Weed and Pest Council shall approve or disapprove the District Board's resolution at its next regular meeting and, if approved, the President shall sign the resolution and present it to the Board;

(C) The Board shall approve or disapprove the proposed amendment by motion at its next regular meeting. If the proposed amendment is approved, the President of the Board shall sign the resolution. The Board shall advise the Wyoming Weed and Pest Council of its action.

(b) If a District Board has a declared weed or declared pest which has been added to the Designated List, then that weed or pest shall be automatically removed as a declared weed or declared pest.

**Section 6. Emergency Amendments to a Declared List.** The procedures for a district-wide emergency declaration of a weed or pest are as follows:

(a) A person may propose an amendment for addition of a weed or pest, which shall be presented in writing to the District Board;

(b) The District Board shall approve or disapprove the proposed amendment by motion at a special or regular meeting and, if approved, the District Board's chairman shall provide the following information to the Director:

(i) A letter of request for an Emergency Declaration of the weed or pest;

(ii) A resolution prepared and signed by the District Board chairman;

(iii) Minutes from the meeting where the motion was approved by the District Board;

(iv) Species profile of the proposed weed or pest include scientific names and common names;

(v) Distribution of the proposed weed or pest within the District boundaries;

(vi) Reasons for the emergency; and

(vii) Proposed control activities.

(c) Following consultation with the President of the Board and the President of the Wyoming Weed and Pest Council, the Director shall notify the District Board of his approval or disapproval on the resolution within (5) business days of receiving the file;

(i) Non action on the part of the Director within the five (5) business days shall be deemed a disapproval.

(ii) If approved, the Director shall notify the District Board of the expiration date for the emergency declaration not to exceed one (1) year or until formal action can be taken under Section 3 of this Chapter.

(d) The District Board shall post the approved emergency amendment at a location accessible to the public.

(e) Emergency amendments for a species shall not qualify for another emergency amendment within three (3) years.

(f) Approved emergency amendments and all documentation shall be forwarded to the Council for consideration under Section 5 of this Chapter.

**Section 7. Request for Quarantine, General Requirements.** Each request for a quarantine shall be accompanied by a sworn affidavit, which contains the following information:

(a) The area to be quarantined, if applicable;

(b) Infested object, item or farm products, to be quarantined;

(c) A statement that the person requesting the quarantine has found the lands, object, item, or farm products to be infested by insects, pests, weed seed, poisonous or injurious plants, or plant diseases, and that the requesting person has a reasonable belief that the infested object, item, or farm products from those land, are liable to spread the weed or pest to the injury and detriment of the state;

(d) The inspection and release procedures for the area or portion of the area, object, item or farm products; and

(e) The termination date of the quarantine, if such date is anticipated.

**Section 8. State-wide Quarantine Against Importation of Farm Products.**

(a) If a person residing within a District ascertains that insects, pests, weed seed, poisonous or injurious plants or plant diseases are likely to be introduced into Wyoming by the importation of the infected objects, items, farm products, or domestic animals and spread to the injury of others, that person may file a request for quarantine with the District Board, by providing such information as may be required by the District Board.

(b) The District Board shall approve or disapprove the request within forty-eight (48) hours after the request has been properly filed and, if approved, the Director must be provided with a copy of the request and all pertinent information, including the affidavit required by Section 7 of this Chapter and the District Board's minutes indicating the request for quarantine has been approved.

(c) Upon initial review of the person's request and the District Board's approval, the Director, if he ascertains that insects, pests, weed seeds, poisonous or injurious plants, or plant disease are likely to be introduced into Wyoming by the importation of farm products, domestic animals, or other objects, shall without unnecessary delay declare a State-wide quarantine for twenty (20) days.

(d) The Director shall hold a hearing within twenty (20) days of declaring the twenty (20) day quarantine to determine if a State-wide quarantine should continue.

**Section 9. Quarantine of a Section of the State to Prevent Transfer of Farm Products to Other Sections of the State.**

(a) If two (2) or more districts desire a Section of the State to be quarantined, they shall provide the Director with the affidavit referred to in Section 7 of this Chapter, and the District Boards' minutes. These documents and a written request from the District Boards involved shall be provided to the Director with one letter of transmittal signed by the chairman of each District

Board. The combined District Boards may request the Director to declare a Section of State quarantine for thirty (30) days and the Director shall do so without unnecessary delay.

(b) The District Boards involved shall hold a joint hearing not less than ten (10) days after notice of the hearing to continue the quarantine is published in a newspaper of general circulation within their Districts. At such hearing the District Boards shall determine if the Director should continue the quarantine. If the District Boards determine the Director should continue the quarantine, they shall provide the Director with the original quarantine request, the individual District Board requests, the consolidated request, copies of the findings, conclusions and the final requests of the District Boards and copies of the hearing transcripts. Upon receipt of these items, the Director shall continue the quarantine.

(c) In the event the District Boards do not concur, those districts which do concur shall transmit all documents to the Director by letter signed by all the concurring District Board chairmen. Upon receipt of such letter and documents, the Director shall convene a hearing in not less than ten (10) days of notice of the hearing to determine if the quarantine shall be continued.

**Section 10. District-wide Quarantines to Prevent Movement of Farm Products to Other Sections of the State.**

(a) Districts seeking a quarantine under W.S. 11-5-116(b) (i) shall follow the directions in that subsection.

(b) District-wide quarantines shall be declared by the Director when the requesting District Board provides the Director with the affidavit referred to in Section 7 of this Chapter, the initial request, and proof of compliance with W.S. 11-5-116(b) (i), (ii) or (iii).

**Section 11. Individual Quarantines to Prevent Movement of Farm Products to Other Sections of a District or the State.**

(a) The District Board shall notify the landowner in writing of its intent to request that the Director quarantine the land or portion thereof. The notice shall describe the lands to be quarantined and shall contain a notice of time and place for a hearing before the District Board. Such hearing, unless waived in writing, shall be held not less than ten (10) days nor more than twenty (20) days from the date of such notice. At the hearing the District Board shall determine by resolution adopted by a two-thirds (2/3) majority if a quarantine should be declared on such lands by the Director.

(b) If a District Board determines a quarantine should be declared by the Director, the District Board shall forward the request for quarantine, the affidavit required by Section 7 a certified copy of the District Board's resolution adopted by a two-thirds (2/3) majority of the board, and a copy of the hearing transcript to the Director who shall declare a quarantine.

**Section 12. District-wide Quarantine of Movement of Infested Farm Products and Equipment into a District.**

(a) District-wide quarantines shall be declared by the Director when the requesting District Board provides the Director with the affidavit referred to in Section 7 of this Chapter and the initial request

(b) If farm products and equipment are not certified as free from insects, pests, weed seeds, poisonous or injurious plants, or plant disease or are not certified free from infested farm products that may be injurious and detrimental to the state, and no exceptions under W.S. 11-5-116(d) (i) - (iii) apply, then a District Board, its agent, or law enforcement may detain and inspect the vehicle and cargo carrying the farm products and equipment for visible insects, pests, weed seeds, poisonous or injurious plants, or plant disease.

(c) After inspection by the District Board, its agent, or law enforcement and the finding of infested farm products or equipment, the person making the finding shall:

(i) Inform the person in charge of the vehicle and/or the owner of the farm products or equipment of his findings;

(ii) Instruct the person in charge of the vehicle that the following remedial options are available:

(A) Return the cargo or equipment to its point of origin;

(B) Return the cargo or equipment to its point of origin or other designated site and clean the cargo or equipment to the point that no infestation is present;

(C) Take the cargo to a processing plant to have the infestation rendered harmless and/or cleaned to the point that no infested farm products are present;

(D) Change the destination of the cargo or equipment to a place where the infested farm products or equipment will not be detrimental; or

(E) Destroy the infested farm products in a manner that destroys the infesting agent; and

(iii) Inform the person in charge of the vehicle and/or owner of the infested farm products or equipment of the right to appear at a hearing before the District Board if the person disagrees with the proposed remedies presented or the identity of the infestation. The person may appear at the hearing in person or through counsel. A person may waive the right to a hearing in writing.

(A) In the event the person in charge of the vehicle does not comply with options as specified in this Section and requests a hearing before the District Board, the hearing shall be held to disagree with the remedies or the identification of the infestation.

(d) If the agent and/or district supervisor does not find infested farm products upon completion of inspection of the cargo or equipment, the agent and/or district supervisor shall give the person in charge of the vehicle a certificate showing no infested farm products or equipment were found and that the vehicle and cargo are released. The certificate should also contain the date, time, place, vehicle's cargo description, and origin and destination of the load;

(e) The procedures outlined in this Section may be followed for the inspection of infested farm product and equipment shipments in the district-wide quarantine, statewide quarantine, and individual shipment quarantines.

**Section 13. Quarantine of Individual Shipments of Infested Farm Products and Farm Equipment Into a District.**

(a) If a District does not have a District-wide quarantine against the movement of infested farm products or equipment into a District under W.S. 11-5-116(d), but has a reasonable belief that infested farm products or equipment are entering the District that may be injurious and detrimental to the state, the District Board, its agent, or law enforcement may detain the vehicle containing such products and equipment and inspect the vehicle and cargo using the procedures outlined in Section 12 of this Chapter.

(b) If the cargo is found to contain infested farm products or equipment the procedures in Section 12 (c) of this Chapter shall be followed.

(c) In addition to a hearing for the reasons stated in Section 12(c) of this Chapter, a hearing may also be held to determine if the infestation will be injurious and detrimental to the State.

(i) In the event the person in charge of the vehicle does not comply with the options as specified in Section 12(c) of this Chapter and waives his right to a hearing before the District Board, the waiver, the affidavit referred to in Section 7(b) - (e) of this Chapter, and the request for a quarantine shall be forwarded to the Director who upon receipt thereof, shall declare a quarantine and request the person in charge to follow the remedial options.

(ii) In the event the person in charge of the vehicle does not comply with the options as specified in Section 12(c) of this Chapter and a hearing is held and the District Board determines a quarantine should be declared, the District Board shall adopt a resolution to that effect. The resolution shall be forwarded along with the affidavit referred to in Section 7 of this Chapter and the request for quarantine to the Director who upon receipt thereof shall declare the quarantine.

(d) If the agent and/or district supervisor does not find infested farm products or equipment, the procedure in Section 12(d) of this Chapter shall be followed.

**Section 14. Quarantine Termination Date.** All quarantines, which do not contain a termination date, shall remain in effect until terminated by the same procedure under which the quarantine was initiated.

**Section 15. Hearings.**

(a) All hearings shall be held in compliance with the Wyoming Administrative Procedure Act.

(b) Under Section 12 and 13 of this Chapter, hearings before the District Board to disagree with remedial options, the identity of the weed or pest, or the injurious and detrimental determination must be requested within twenty-four (24) hours of notification of the findings.

(c) Under Section 12 and 13 of this Chapter, hearings before the District Board to disagree with their remedial options, the identity of the insects, pests, weed seeds, poisonous or injurious plants, or plant disease, or the injurious and detrimental determination, must be held within twenty-four (24) hours of receipt of the request for a hearing.

(d) All other hearings before a District Board can be requested at any time unless specified in the Rule and be held within the time frame allowed in accordance with the District Board's hearing rules and at the District Board's discretion.

**CHAPTER 44**  
**CERTIFICATION RULES & REGULATIONS**  
**FOR WEED & PEST SUPERVISORS**

**Section 1. Authority.** This Rule is promulgated pursuant to W.S. 11-5-106 of the Wyoming Weed and Pest Control Act (W.S. 11-5-101 through 11-5-119), hereinafter called the Act.

**Section 2. Qualifications.** Agricultural background with:

(a) Weed and Pest District Supervisors must have a four (4) year college degree, preferably with a major in agriculture and/or related field, and have satisfactorily completed courses in Entomology and Weed Science or their equivalent, from an accredited college or university, or

(b) High school diploma or its equivalent and have (2) years practical experience working in job-related fields of weed and pest operations, who shall have satisfactorily completed courses in Entomology and Weed Science or their equivalent, from an accredited college or university.

(c) If the qualifications specified in Section 2 a or b have been achieved, the person shall be deemed a certified supervisor under the Wyoming Weed and Pest Control Act. The certified supervisor will not be subject to additional testing and examinations under the act.

**Section 3. Continuing Education.** Each supervisor is required to attend at least one workshop and/or training course, as approved by the Board of Certification (W.S. 11-5-106), every two years to maintain his or her status as a supervisor.

## **OTHER STATE LAWS REFERENCING WEED AND PEST ISSUES**

### **TITLE 16 - CITY, COUNTY, STATE AND LOCAL POWERS CHAPTER 12 - SPECIAL DISTRICTS**

#### **16-12-101. Short title.**

This chapter may be cited as the "Special District Public Records and Meetings Act".

#### **16-12-102. Definitions.**

(a) As used in this act:

(i) "Director" or "district director" means a voting member of the governing body of a special district or other specified entity, regardless of what title is used in the principal act;

(ii) "Principal act" means the statutes under which a special district or other specified entity listed under W.S. 16-12-103(a) is formed or is operating;

(iii) "This act" means W.S. 16-12-101 through 16-12-105.

#### **16-12-103. Applicability to special districts and other specified entities; general provisions.**

(a) This act applies to the following entities as specified in subsection (b) of this section:

(xxviii) Weed and pest districts;

(b) This act specifies requirements pertaining to public records and meetings of the entities listed in subsection (a) of this section where the principal act is silent or unclear. The specific provisions of a principal act or the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205, are effective and controlling to the extent they conflict with this act.

(c) If an entity is authorized to promulgate rules and regulations or adopt ordinances or bylaws, the district shall file any rules and regulations it promulgates, ordinances or bylaws it adopts and any amendments thereto with the county clerk for each county in which it is located. No rule, regulation, ordinance or bylaw shall be effective unless filed in accordance with this subsection.

#### **16-12-104. Maintaining public records.**

(a) All special districts and other specified entities shall maintain a copy of the following documents, if the documents exist, provided that the Wyoming Public Records Act and all applicable federal statutes shall control the obligations of disclosure of those documents: adopted minutes of all meetings of the governing board and the governing board's committees and subcommittees, records of meetings of the governing board and the governing board's committees and subcommittees, audits, financial statements, election results, budgets, bylaws, rate schedules, policies and employment contracts with all administrators.

(b) All special district and other specified entities shall maintain the records described in subsection (a) of this section for public review at their business office if the business office is open to the public for at least twenty (20) business hours each week.

(c) If a special district or other specified entity cannot maintain the records described in subsection (a) of this section as required under subsection (b) of this section, the special district or other specified entity shall file copies of those records with the county clerk in the county wherein the largest portion of the district or entity lies. The documents may be in an electronic format unless otherwise specified by the county clerk. The county clerk may specify the format for records filed pursuant to this subsection.

(d) All special districts or other specified entities shall provide by September 30 each year to the county clerk in every county wherein the entity exists a filing specifying where documents required under subsection (a) of this section are maintained for public review.

**16-12-105. Public meetings.**

(a) In addition to the requirements of W.S. 16-4-401 through 16-4-408, all public meetings of special districts and specified entities shall be held in a location accessible to the general public or made accessible to the public for purposes of the meeting.

(b) Notice of any meeting of a special district or specified entity shall be made in compliance with W.S. 16-4-404.

**TITLE 1 - CODE OF CIVIL PROCEDURE**

**CHAPTER 26 - EMINENT DOMAIN**

**ARTICLE 7 - COMPENSATION**

**1-26-714 Reclamation and restoration.**

(a) A condemnor who acquires a property right or interest of less than fee simple title in any land shall be responsible for reclamation on such land and for restoration of the land and any improvements thereon. The reclamation and restoration shall return the property and improvements to the condition existing prior to the condemnation to the extent that reasonably can be accomplished.

(b) Reclamation and restoration shall include but not be limited to, grading to the natural contour, replacement of topsoil, the planting and establishment of appropriate ground cover and control of weeds resulting from condemnor's disturbance, as follows:

(i) In the case of a growing crop for which compensation has been paid, a ground cover shall be required only if requested by the condemnee;

(ii) In the case of grazing lands, native grasses and forbs previously growing on the disturbed land shall be reseeded and established unless the establishment of alternative beneficial plants are agreed to by the parties.

**TITLE 11 - AGRICULTURE, LIVESTOCK AND OTHER ANIMALS**

**CHAPTER 9 - NURSERY STOCK**

**11-9-101. Definitions.**

(a) As used in W.S. 11-9-101 through 11-9-109:

(i) "Nursery" means any ground, place or establishment where nursery stock is grown, offered for sale, sold, distributed or is offered as part of a landscape service;

(ii) "Nursery stock" means:

(A) All field-grown, greenhouse-grown or collected wild stock of woody plants such as fruit, forest, windbreak, shade and ornamental trees, shrubs or vines for fruit production, ornamental or protective plantings and herbaceous perennials used as ornamentals;

(B) All plants, rooted cuttings and plants with roots attached grown from bulbs, corms, tubers, rhizomes or other vegetative parts, whether produced out-of-doors or under glass and whether grown in open ground or in benches, boxes, pots or other containers;

(C) All bulbs, corms, pips, rhizomes, tubers, roots, cuttings, scions, grafts or other vegetative parts of plants; and

(D) All ground cover, including sod, plugs and vegetative mulches and compost.

(iii) "Nursery stock" shall not include prohibited, restricted, regulated or designated noxious weeds;

(iv) "Nursery stock dealers" means any person who obtains nursery stock to be offered for sale or distribution;

(v) "Nursery stock salesman" means any person selling, distributing or soliciting orders for delivery of nursery stock directly to the ultimate consumer from a supply on hand at a location other than a nursery stock dealer's place of business;

(vi) "Injurious insect" means any animal of the phylum Arthropoda known to be injurious to agricultural or horticultural plants;

(vii) "Other pest" means any animal of the phyla Mollusca or Nematoda or parasitic plant, plant parasite or other vector known to be injurious to agricultural or horticultural plants;

(viii) "Plant disease" means any fungi, bacteria, or virus injurious to plants and plant products;

(ix) "Plant inspection or health certificate" means a legal document issued by the department or the plant regulatory agency of another state declaring that the nursery stock being sold or distributed is apparently free of injurious insects, plant diseases, other pests and prohibited, restricted, regulated or designated noxious weeds;

(x) "Vector" means an insect, plant or other organism that transmits an insect, fungus, virus, bacterium or other infection;

(xi) "Designated noxious weed" means as defined in W.S. 11-5-102(a) (xi);

(xii) "Substantially free" means any injurious insect, other pest or plant disease is not locatable in groups or not affecting more than one percent (1%) of the nursery stock.

(b) These definitions do not include cut Christmas trees, cut flowers, seeds, seed potatoes or plant parts grown or offered for consumption as human food or as feed for animals.

(c) Age, when stated on any advertisement, label or sign in connection with the sale or offering for sale or distribution of nursery stock, shall be stated in years from time at which such nursery stock was propagated and each shall indicate the completion in autumn of one (1) seasonal growth period.

**11-9-102. License requirements and fees for dealers and salesmen; disposition of fees.**

(a) No person shall engage in the business of selling, offering for sale or distributing nursery stock within Wyoming without first obtaining a license from the state department of agriculture. The fee for a license shall be the fee authorized by W.S. 11-1-104.

(b) Upon application for a resident nursery stock dealer license and payment of the required fee, the director, or an authorized inspector shall inspect the premises and stock of the applicant and shall issue the license if the inspection shows the premises and stock to be substantially free or apparently free from injurious insects, plant diseases or other pests and free of prohibited, restricted, regulated or designated noxious weeds.

(c) If the inspection reveals the premises or stock not to be substantially free or apparently free of injurious insects, plant diseases, other pests or prohibited, restricted, regulated or designated noxious weeds, the nursery stock shall be removed or quarantined from sale and a written plan of action to remedy the condition by treatment, control actions or destruction shall be presented to the inspector within one (1) working day. The nursery shall be inspected again within a time agreed upon by the director, or his authorized agent, and the dealer and noted in writing on the plan, but no later than fifteen (15) days after the previous inspection. Upon subsequent inspection the nursery stock shall be substantially free or apparently free from the injurious insects, plant diseases and other pests and free from prohibited, restricted, regulated or designated noxious weeds in order to be released for sale. Failure to comply with this subsection shall subject the dealer to the penalties provided in W.S. 11-9-108 or 11-9-109.

(d) No person shall act as a nursery stock salesman without first securing a license from the state department of agriculture. The fee for a license shall be the fee authorized by W.S. 11-1-104.

(e) No nonresident shall sell, take orders to sell, offer for sale or distribute nursery stock which has been grown outside this state without first securing a license from the department of agriculture. The license fee for each establishment shipping nursery stock into Wyoming shall be the fee authorized by W.S. 11-1-104. No license shall be granted to a nonresident unless the applicant agrees to furnish with each shipment of nursery stock an affidavit stating that the nursery stock to be sold, offered for sale or transported into Wyoming has been inspected by the proper state, district or county officials of the state of origin and found free from injurious insects, plant diseases and prohibited, restricted, regulated or designated noxious weeds.

(f) Licenses granted to nursery stock dealers or salesmen expire on March 31 of each year. All license fees collected shall be deposited in the general fund.

(g) Charitable and educational institutions shall be exempt from licensing requirements imposed by this section.

**11-9-103. Right of entry of authorized persons for inspection.**

The director, or his authorized agents, during reasonable business hours, may enter upon or into any premises, lands, establishments or places in this state where they suspect that injurious insects, other pests, plant diseases or prohibited, restricted, regulated or designated noxious weeds occur for the purpose of inspecting, controlling or exterminating insects or diseases or otherwise carrying out the provisions of W.S. 11-9-101 through 11-9-109.

**11-9-104. Shipping inspection certificate; health certificate; public carriers not to accept stock without affidavit.**

(a) Any person receiving directly or indirectly any nursery stock which is not accompanied by a valid shipping inspection certificate shall notify the department of the arrival of such stock, the kinds and amounts of the stock, and the name of the consignor, and shall hold the stock until inspected and released by the department.

(b) Public carriers shall not accept for shipment nursery stock that does not bear a proper affidavit showing apparent freedom from injurious insect, plant diseases, other pests and prohibited, restricted, regulated or designated noxious weeds.

(c) Any person shipping, selling or distributing nursery stock from out of state shall furnish with each shipment of nursery stock a plant inspection or health certificate stating that the nursery stock to be sold, offered for sale or distributed into Wyoming has been inspected and issued a plant inspection or health certificate by the state of origin.

(d) Resident nursery stock dealers shall request an inspection of any nursery stock to be shipped out of Wyoming. An annual inspection shall be sufficient for the purposes of this subsection. The department shall issue a plant inspection or health certificate after inspection by the department of the premises and nursery stock.

**11-9-105. Nursery stock for sale; condition generally.**

(a) All nursery stock sold or offered for sale shall be in a sound, healthy condition and shall be stored and displayed under conditions which will maintain its vigor. Nursery stock which is dead or so seriously weakened that it will not grow with normal vigor when given reasonable care shall not be sold or offered for sale.

(b) All nursery stock to be sold, offered for sale or distributed shall be substantially free or apparently free of any injurious insects, plant diseases, other pests or prohibited, restricted, regulated or designated weeds.

**11-9-106. Sale of nursery stock; labels required; identification of stock.**

(a) All nursery stock offered for sale, sold, distributed or transported in Wyoming shall be labeled plainly and legibly, either by common or botanical names. When grade-size classifications are declared, they must be in compliance with those established by the department.

(b) Nursery stock on display for sale may be labeled by a suitable sign on a block of stock of the same kind and species. In order to properly identify nursery stock being delivered or transported to any purchaser, at least one (1) label bearing the botanical or common name, or both, shall be attached to each separate species or variety, except when delivered to the purchaser on the premises and sold from a block of stock labeled with a suitable sign.

**11-9-107. Rules and regulations by director of agriculture; objections.**

The director may issue and enforce rules, regulations and definitions to implement the provisions of W.S. 11-9-101 through 11-9-109, subject to the Wyoming Administrative Procedure Act.

**11-9-108. Cease and desist orders; quarantine; confiscation; destruction or removal of nursery stock; hearing; final orders; enforcement.**

(a) The department is authorized to issue cease and desist orders to any nursery stock dealer, quarantine any place of nursery stock business or order confiscation, destruction or removal from the state, of any nursery stock the department determines poses a serious risk of introducing or spreading injurious insects, plant diseases, other pests or prohibited, restricted, regulated or designated noxious weeds within the state.

(b) All notices and orders required to be served by the department under this article shall be served by certified mail, return receipt requested, to the last known address of the nursery stock dealer or may be served as provided by the Wyoming rules of civil procedure. The notice of an order issued by the department under this article shall include:

(i) A statement of the grounds for issuing the order, including a citation of the statute or rule involved;

(ii) A statement of the supporting facts;

(iii) A statement informing the nursery stock dealer subject to the order of the right to a hearing on the order before the director, right of appeal of any subsequent order in accordance with the Wyoming Administrative Procedure Act and that failure to timely request a hearing shall result in the order becoming final; and

(iv) A copy of the order.

(c) A request for a hearing on a proposed order issued by the department under this article shall be in writing and shall be submitted to the director no later than seven (7) days after receipt of the notice from the department. The director shall hold the hearing not later than fifteen (15) days after receipt of the request for hearing, unless the nursery stock dealer subject to the proposed order requests an extension of time for good cause shown.

(d) A hearing on a proposed order issued under this article shall be a contested case hearing conducted in accordance with the Wyoming Administrative Procedure Act. After the hearing, the director shall issue findings of fact and conclusions of law and a final decision either confirming or dismissing the proposed order. The director shall confirm a proposed order only if the director finds by a preponderance of the evidence that grounds exist under this article for issuing the proposed order. Otherwise, the director shall dismiss the proposed order. If the director confirms a proposed order it shall become a final order.

(e) The department shall serve a final order upon the nursery stock dealer who is the subject of the order. The final order shall take effect upon service and shall remain in effect until the department or a court of competent jurisdiction terminates the final order. The nursery stock dealer who is the subject of the final order may appeal the issuance of the final order in accordance with Wyoming Administrative Procedure Act.

(f) On or after the effective date of a final order under this article, the attorney general, upon request from the department, may apply to the district court of the county in which the nursery is located or the county where the violations of this article occurred, for enforcement of the final order.

#### **11-9-109. Penalty for violation of provisions.**

(a) Any person who violates any provision of W.S. 11-9-101 through 11-9-109 or any rule or regulation issued pursuant thereto is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00) for each offense, and may have any license issued to them under such statutes suspended or revoked. Each day shall constitute a separate violation.

(b) Any person found guilty of violating any provision of W.S. 11-9-101 through 11-9-109, shall reimburse the state for the cost of any treatments, control actions, quarantine, confiscation, destruction or removal of any nursery stock from the state resulting from the violation. Amounts collected under this subsection shall be paid to the department of agriculture technical services division account.

### **TITLE 11 - AGRICULTURE, LIVESTOCK AND OTHER ANIMALS** **CHAPTER 12 - SEEDS**

#### **11-12-101. Definitions.**

(a) Repealed By Laws 2007, Ch. 8, 4.

(b) As used in this act:

(i) "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least seventy-five percent (75%) hybrid seed;

(ii) "Dormant" means viable seed, excluding hard seed, which fails to germinate when provided the specific germination conditions for the kind of seed in question;

(iii) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions. For the purposes of this act, "germination" may also mean the percentage of seed determined viable by a tetrazolium test for species identified in the rules for testing, or for species for which there are no rules for testing;

(iv) "Hard seed" means seed which remains hard at the end of the prescribed test period because it has not absorbed water due to an impermeable seed coat;

(v) "Hybrid" as applied to kinds or varieties of seed, means the first generation seed of a cross produced by controlling the pollination and by combining:

(A) Two (2) or more inbred lines;

(B) One (1) inbred or a single cross with an open pollinated variety; or

(C) Two (2) selected clones, seed lines, varieties or species.

(vi) "Inert matter" means all matter that is not a seed, including broken seeds, sterile florets, chaff, fungus bodies and stones;

(vii) "Kind" means one (1) or more related species or subspecies which singly or collectively is known by one (1) common name, including but not limited to, soybean, flax, barley and wheat;

(viii) "Labeling" means the display or displays of written, printed or graphic matter upon or attached to the container of seed or accompanying and pertaining to any seed whether sold in bulk or in containers, including invoices;

(ix) "Lot" means the number or other identification that relates to records pertaining to the known quantity of seed;

(x) "Origin" means the state, District of Columbia, Puerto Rico or possession of the United States, or the foreign country or designated portion thereof, where the seed was grown;

(xi) "Pure seed" means seed exclusive of inert matter and all other seed not of the seed being offered for sale;

(xii) "Rules for testing" means procedures specified by the Association of Official Seed Analysts for conducting seed analysis;

(xiii) "Seed" means the propagative part of a plant normally capable of germination to produce a new plant, including ovules, tubers and bulbs. "Seed" also includes the following as defined for the purposes of this act:

(A) "Agricultural seeds" means any agronomic crop seeds or seeds of species as defined in W.S. 11-1-101;

(B) "Flower seed" means seeds of herbaceous plants grown for their blooms, ornamental foliage or other ornamental parts and commonly known and sold under the name of flower seeds in this state;

(C) "Tree seed" means seeds of woody plants commonly known and sold as tree and shrub seeds in this state; or

(D) "Vegetable seed" means the seeds of those crops that are or may be grown in gardens or truck farms and are generally known and sold under the name of vegetable seeds in this state.

(xiv) "Total viable" means:

(A) Germination plus dormant seed plus hard seed;

(B) Viable as determined by a tetrazolium test for species identified in the rules for testing, or for species for which there are no rules for testing.

(xv) "Treated seed" means any seed that has been treated with chemicals that are harmful to humans, livestock or other vertebrate animals;

(xvi) "Variety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed or other characters by which it can be differentiated from other sorts of the same kind, including but not limited to, C2243 wheat and Manchu soybeans;

(xvii) "Weeds" includes the following as defined for purposes of this act:

(A) "Prohibited noxious weeds" means the seeds of any species for which the department by rule has established zero (0) tolerance;

(B) "Restricted noxious weeds" means any species for which the department by rule has established an allowable tolerance;

(C) "Regulated weeds" means seed, other than prohibited noxious weeds or restricted noxious weeds, of any species for which the department by rule has established a limitation of amount per pound in a seed lot.

(xviii) "This act" means W.S. 11-12-101 through 11-12-124.

#### **11-12-102. Exceptions to applicability.**

(a) This act does not apply to any person who:

(i) Has seeds in storage for conditioning or cleaning and the intended use of the seed is not planting;

(ii) Is a resident grower of seed who sells his seed to a seed dealer who is licensed pursuant to this act;

(iii) Repealed By Laws 2006, Chapter 114, 2.

(b) Any resident grower who sells or offers for sale any agricultural, vegetable, flower or tree seeds grown only by him and sold or offered for sale at the headquarters of his operations directly to grower planters of the seed and not for resale is exempt from the licensing provisions under W.S. 11-12-103.

#### **11-12-103. Licensing.**

(a) Any person who sells or offers for sale or distribution in Wyoming any seeds shall obtain a license from the department. The license shall expire annually on March 31. Application for the license shall include the name and address of the person to whom the license is to be issued and the location of the place or places of business of the applicant. The application shall be accompanied by the license fee authorized by W.S. 11-1-104 for each place of business selling seeds in packets, packages or bulk of ten (10) pounds or more. This subsection shall not apply to any person licensed in accordance with W.S. 11-11-103.

(b) Any person who conditions grain or seed for hire in Wyoming shall obtain a license from the department. The license shall expire annually on March 31. Application for the license shall include the name and address of the person to whom the license is to be issued and the location of the place or places of business of the applicant. The application shall be accompanied by the license fee which shall be the same as the fee established for a seed dealer license. This subsection shall not apply to any person licensed in accordance with W.S. 11-11-103.

(c) Charitable and educational institutions shall be exempt from licensing requirements imposed by this section.

#### **11-12-104. Restrictions on the sale of weed seeds; allowed tolerance for other noxious weeds; rulemaking.**

(a) No person shall sell or offer for sale or distribution in Wyoming seed which contains any prohibited noxious weed seeds. The department, by rule and regulation, may establish a list of prohibited noxious weeds, restricted noxious weeds and regulated weeds and establish tolerances for restricted noxious weeds and regulated weeds.

(b) Repealed By Laws 2007, Ch. 8, 4.

(c) Repealed By Laws 2007, Ch. 8, 4.

(d) Any seed which contains any prohibited noxious weed seeds or exceeds the tolerance established on restricted noxious weed seeds or regulated weed seeds shall be removed from sale in Wyoming and impounded by the director and shall be released only for the following purposes:

(i) For complete destruction;

(ii) For removal outside of the state;

(iii) To be conditioned to the point that no prohibited noxious weeds are present and to the point that the tolerance established on restricted noxious weeds and regulated weeds is not exceeded;

(iv) For processing in such a way as to make the weed seeds harmless and sold as feed; or

(v) For burial in an approved landfill.

**11-12-105. Labeling of packages required; contents; exception.**

(a) Each lot of seed which is sold or offered for sale in Wyoming, shall be legibly labeled in English upon the exterior of the container with a written or printed label. The label shall show:

(i) The commonly accepted name of the kind of seed. If seeds are mixed, the kind of each seed making up five percent (5%) or more of the mixture shall be stated separately;

(ii) The full name and address of the person selling, offering or distributing the seeds for sale;

(iii) The percentage of pure seed, crop seed (not to be added to pure seed), inert matter, common weed seeds by weight, germination, hard seed and the month and year of the germination test;

(iv) The origin of the seed;

(v) Lot number or other lot identification;

(vi) Name and number of each kind of restricted noxious weed seeds per pound; and

(vii) The words "poisonous treated" shall appear in bold print if the seeds have been treated with chemicals which are toxic or poisonous to either humans, livestock or other vertebrate animals.

(b) When seeds are sold or offered for sale in bulk, the label required by subsection (a) of this section shall be conspicuously displayed on the container of each lot of bulk seed. A printed or written statement bearing the required labeling information shall be taken from the bulk seed container label in the presence of the purchaser and given to the purchaser upon request.

(c) This section does not apply to flower, tree, garden or vegetable seeds labeled to comply with the requirements of the United States department of agriculture by authority of the Federal Seed Act.

**11-12-106. Lawn grass seed.**

Lawn grass seed mixtures offered for sale in Wyoming shall comply with all requirements of this act, and in addition shall contain at least fifty percent (50%) of perennial permanent type lawn grass seed that is adapted to local growing conditions, such as Kentucky blue grass (*Poa pratensis*), bent grass (*Agrostis* species) or fescue (*Festuca* species).

**11-12-107. Weed seeds.**

No person shall sell in the retail trade in this state, any seed which contains two percent (2%) or more of weed seeds by weight.

**11-12-108. Screenings to be specially labeled and free from noxious weed seeds; seizure and destruction; grain cleaning establishments.**

Screenings of any seeds or grains which are offered for sale by any person shall be legibly labeled as such and not sold as seeds. They shall be free of prohibited noxious weed seeds and shall not exceed the tolerance established on restricted noxious weed seed. Screenings found to contain weed seeds in violation of this section are subject to seizure by the director of the department of agriculture. Screenings are subject to the provisions of W.S. 11-12-104(d).

**11-12-109. Failure to label or false labeling of seeds.**

It is unlawful for any person to sell or offer for sale or to deliver within Wyoming any seeds which are misbranded or are not labeled in accordance with the requirements of W.S. 11-12-103 through 11-12-108, or if the seed is falsely labeled in any respect, subject to such tolerance as established by the board.

**11-12-110. Importation of seeds.**

It is unlawful for any person to transport or cause to be transported into Wyoming any seed without meeting the requirements of this act.

**11-12-111. Repealed by Laws 1983, ch. 169, 4.**

**11-12-112. Director to enforce provisions; power of director to examine seeds; exception; purchase of samples.**

The director shall enforce this act. The director or his agents shall have free access at all reasonable hours upon and into any premises or structures where seed is stored or offered for sale, except federally sealed granaries or warehouses, to examine any seeds and, upon tendering payment therefor at the current value, may take from any person a sample or samples of the seeds.

**11-12-113. Rulemaking.**

(a) The board shall promulgate, adopt and publish rules and regulations in accordance with the Wyoming Administrative Procedure Act for the purpose of carrying out this act.

(b) Except as otherwise provided for in this act, no ordinance or regulation of any political subdivision may prohibit or in any way attempt to regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use or use of seeds, if any ordinance, law or regulation of the political subdivision is in conflict of this chapter.

**11-12-114. Seed and grain cleaning establishments; certificates of approval; lists thereof.**

The board shall establish standards and other requirements whereby seed and grain cleaning establishments may be issued a certificate of approval. A list of approved establishments for cleaning seeds and grain shall be maintained by the director.

**11-12-115. State seed analyst; seed laboratory.**

(a) The department shall operate a state seed laboratory through a memorandum of understanding with the University of Wyoming. The terms and conditions of the memorandum of understanding shall include the designation and compensation of a state seed analyst.

(b) A state laboratory operated for the purposes of seed analysis shall be located in Park County.

**11-12-116. Analysis of seeds.**

(a) Any person may have his seed analyzed by the state seed analyst by paying transportation charges to the laboratory and a fee.

(b) All samples submitted for analysis shall be taken in accordance with the current regulations of sampling set forth by the United States department of agriculture by authority of the Federal Seed Act.

(c) Seed testing shall be done in accordance with the current association of official seed analysts' rules for testing seed.

(d) The state seed analyst may provide a list of recommended fees for seed testing and services to the seed laboratory advisory group.

(e) The seed laboratory advisory group shall review the state seed analyst's list and provide their recommendation for testing and service fees to the board.

(f) Fees for testing and services shall become effective upon approval by the board. The board may set testing and service fees at different levels for in-state and out-of-state samples.

(g) The state seed analyst, upon approval by the board, may enter into a separately negotiated contract with a government entity to provide testing and services at approximate cost.

**11-12-117. Disposition of collected funds.**

All funds collected from seed analyses shall be deposited in the general fund.

**11-12-118. Duty of district or county and prosecuting attorney to prosecute reported violations.**

Any district or county and prosecuting attorney to whom the director of the department of agriculture reports any violation of this act shall cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay.

**11-12-119. Seed certification service; authority to make rules; fees; disposition thereof.**

The seed certification service of the college of agriculture of the University of Wyoming may engage in the certification of varieties of seeds and propagating materials, and make such rules and regulations with respect to certification and varieties eligible for certification as necessary to insure the production of certified seed of high quality. The seed certification service may charge reasonable fees for conducting the certification program, and shall use the funds received to defray the cost of conducting the certification program.

**11-12-120. False labeling of seeds; prohibited.**

It is unlawful for any person to attach or cause to be attached to any container of seeds or propagating materials, for the purpose of certifying the contents, any label or tag describing the contents as certified seed or propagating material, except labels or tags which are issued by the seed certification service of the college of agriculture, University of Wyoming, for the purpose of certification.

**11-12-121. False labeling of seeds; false labeling as prima facie evidence of violation.**

Any label or tag prohibited by W.S. 11-12-120 found attached to any container of seed or propagating material is prima facie evidence of a violation of W.S. 11-12-120 by the person falsely labeling or tagging the container.

**11-12-122. Quarantine.**

(a) The board, in compliance with this act, may promulgate rules and regulations to establish a quarantine against movement of seed containing prohibited noxious weed seed and restricted noxious weed seed which exceeds the tolerance established and may enter into an agreement with law enforcement agencies to carry out the quarantine provisions.

(b) Repealed By Laws 2007, Ch. 8, 4.

(c) Repealed By Laws 2007, Ch. 8, 4.

(d) All seed shipments through the state shall be covered in a prescribed manner so as not to allow the dissemination of noxious weed seed.

**11-12-123. Seed laboratory advisory group created; composition; appointment; officers; vacancy; meetings; quorum.**

(a) There is created a seed laboratory advisory group which shall be comprised of the following:

(i) Voting members shall be:

(A) One (1) member of the board, appointed by the chairman of the board;

(B) One (1) member representing organizations whose primary goal is improved seed production, appointed by the board;

(C) Two (2) members representing the Wyoming seed industry, appointed by the board;

(D) Two (2) members who are certified or contract seed growers, appointed by the board;

(E) One (1) member who is a person interested in seed quality, appointed by the board.

(ii) Nonvoting members shall be:

(A) The director of the Wyoming department of agriculture or his designee;

(B) The University of Wyoming experiment station director;

(C) The head of the University of Wyoming college of agriculture plant science department or his designee;

(D) The Wyoming seed certification service manager, who shall serve as the seed laboratory advisory group secretary;

(E) The state seed analyst.

(b) All voting members shall serve terms of three (3) years. A member may serve for more than one (1) term.

(c) The chairman and the vice-chairman shall serve terms of two (2) years with the vice-chairman succeeding the chairman. The chairman and vice-chairman shall be elected by a majority of the voting members at the annual meeting. In the event that the chairman is not able to complete his term, the vice-chairman shall complete that term in addition to serving the succeeding term. In the event the vice-chairman is unable to complete his term, an election of a new chairman and vice-chairman shall take place at the next annual meeting.

(d) In the event of a vacancy on the seed laboratory advisory group, the board shall appoint a new member to complete the term of the vacating member.

(e) One (1) regular meeting shall be held annually in conjunction with a Wyoming crop improvement industry meeting, as called by the chairman or as called by a majority of the voting members.

(f) A majority of the voting members shall constitute a quorum.

**11-12-124. Seed laboratory advisory group duties.**

(a) The seed laboratory advisory group shall:

(i) Maintain a policy of operation manual, which shall be reviewed by seed laboratory advisory group members at the annual meeting, and shall contain the policies and operational procedures of the seed laboratory advisory group;

(ii) Serve in an advisory role to aid the state seed analyst, the University of Wyoming, the Wyoming department of agriculture and the board in the management of the seed laboratory;

(iii) Annually review the price list for seed testing and services provided by the laboratory;

(iv) Recommend to the board as necessary, any changes to the price list or other fees of the laboratory;

(v) Review the annual seed laboratory report;

(vi) Recommend to the board as necessary, any major capital purchases needed by the laboratory;

(vii) Recommend to the board as necessary, the use of new technologies or other seed testing needs as they occur;

(viii) Provide support as necessary to seed laboratory customers;

(ix) Provide to the board as necessary, constructive ideas on how the laboratory can serve Wyoming and the region more effectively.

**11-12-125. Penalties; director authorized to investigate and file complaint.**

(a) Any person violating any provision of this act is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00), or imprisoned for not more than six (6) months, or both for each offense. Each day shall constitute a separate violation.

(b) The director is authorized to investigate alleged violations and to file a complaint with the proper district or county and prosecuting attorney for the prosecution of violations.

(c) Any person found guilty of violating any provision of W.S. 11-12-101 through 11-12-124, shall reimburse the state for the cost of any control actions, treatments, quarantine, confiscation, destruction or removal of any seed from the state resulting from the violation. Amounts collected under this subsection shall be paid to the department of agriculture technical services division account.

**TITLE 35 - PUBLIC HEALTH AND SAFETY**  
**CHAPTER 7 - FOOD AND DRUGS**  
**ARTICLE 3 - ADULTERATING OR MISBRANDING**

**35-7-350. Short title.**

This act shall be known and may be cited as the "Wyoming Environmental Pesticide Control Act of 1973".

**35-7-351. Enforcing agency.**

This act shall be administered by the department of agriculture of the state of Wyoming, hereinafter referred to as the "department".

**35-7-352. Declaration of purpose.**

The legislature hereby finds that pesticides and devices are valuable to our state's agricultural production and to the protection of man and the environment from insects, rodents, weeds, and other forms of life which may be pests, and it is essential to the public health and welfare that they be regulated closely to prevent adverse effects on human life and the environment. The purpose of this act is to regulate, in the public interest, the labeling, distribution, storage, transportation, disposal, use and application of pesticides to control pests. New pesticides are continually being discovered or synthesized which are valuable for the control of pests, and for use as defoliants, desiccants, plant regulators, and related purposes. The dissemination of accurate scientific information as to the proper use or nonuse, of any pesticide, is vital to the public health and welfare and the environment both immediate and future. Therefore, it is deemed necessary to provide for registration of pesticides and devices.

**35-7-353. Board of certification.**

A board of certification is established consisting of the director of the department of agriculture, and a member of the Wyoming weed and pest council and a University of Wyoming weed or pest specialist to be appointed by the governor. The governor may remove any member he appoints as provided in W.S. 9-1-202.

**35-7-354. Definitions.**

(a) "Applicator" or "operator" means:

(i) "Certified applicator" means any individual who is certified by the director as being competent with respect to the use and handling of pesticides, or of the use and handling of the pesticide or class of pesticides covered by the individual's certification;

(ii) "Commercial applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (a) (iii) of this subsection;

(iii) "Private applicator" means any certified applicator who uses or supervises the use of any restricted use pesticide which is restricted to use by certified applicators and only for purposes of producing any agricultural commodity on property owned by him or his employer or under his control or (is applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

(b) "Board of agriculture" means that body established by law under W.S. 11-2-102.

(c) "Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man, or bacteria, virus, or other microorganism on or in living man or other living animals) but does not include equipment used for the application of pesticides when sold separately therefrom.

(d) "Pesticide" means:

(i) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests;

(ii) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant;

(iii) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(iv) Any other pesticide product or substance whether general use, restricted use, registered, suspended or cancelled, which by the label or portions thereof clearly show it is used or has been used as a pesticide.

(e) "Restricted use pesticide" means any pesticide product, the label of which states "restricted use" as required for registration by the environmental protection agency under the federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended.

(f) "Dealer" or "distributor" means any person who imports, consigns, distributes, offers to sell or sells, barterers or otherwise supplies pesticides in this state. A dealer or distributor may also be a registrant.

(g) "Director" means the director of the department of agriculture or his authorized agent.

(h) "Label" means a display of written, printed or graphic matter upon or affixed to the immediate container of any pesticide, or a reference within such display to other information.

(j) "Official sample" means any sample of a pesticide, degradate or residue taken by and designated as official by the director.

**35-7-355. Director to administer and enforce provisions; board of certification to adopt regulations.**

The director of the department of agriculture shall administer and enforce the provisions of this act and regulations issued thereunder. The board of certification may issue regulations after a public hearing following due notice to all interested persons in conformance with the provisions of the Wyoming Administrative Procedure Act to carry out the provisions of this act. Regulations may prescribe methods to be used in the application of pesticides, may prescribe standards for the classification and certification of applicators of pesticides, and may require certification, licensing, payment of reasonable fees for licensing or certification, submission of information, and passing of examinations by applicators of pesticides. Where the board of certification finds that regulations are necessary to carry out the purpose and intent of this act, the regulations may relate to the time, place, manner, methods, materials, and amounts and concentrations, in connection with the application of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors which the board deems necessary. The department may issue licenses. Notwithstanding the provisions of W.S. 35-7-354(e), the board of agriculture, by regulation, following a hearing and pursuant to the Wyoming Administrative Procedure Act, may declare a specific pesticide or pesticide use a "restricted use pesticide", but only following a recommendation of the board of certification, and a finding of fact, in a public hearing conducted by the board of certification, that unreasonable adverse effects on the environment, including man, pollinating insects, animals, crops, wildlife and lands, other than pests, may reasonably occur. The director of the department of agriculture may allow the registration, licensing, testing, inspection and reporting requirements of this article to be conducted electronically as provided by the Uniform Electronic Transaction Act, W.S. 40-21-101 through 40-21-119 and any applicable federal electronic requirements.

**35-7-356. Registration.**

(a) Every pesticide or device which is distributed within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the department of agriculture by its manufacturer or formulator subject to the provisions of this act. The registration shall be renewed annually prior to December 31 of each year but not if a pesticide or device is shipped from one plant or warehouse to another plant or warehouse as a constituent part to make a pesticide or device which is registered under the provisions of this act, if the pesticide or device is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only", together with the manufacturer's name and address, or if a written permit has been obtained from the department to sell the specific pesticide or device for experimental purposes subject to restrictions and conditions set forth in the permit.

(b) The applicant for registration shall file a statement with the department which shall include:

(i) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's;

(ii) The name of the pesticide or device;

(iii) Other necessary information required for completion of the department's application for registration form;

(iv) The use classification as provided in the Federal Insecticide, Fungicide, and Rodenticide Act when required by regulations under this act.

(c) The director may require a full description of the tests made and the results thereof upon which the claims are based on any pesticide or device on which restrictions are being considered. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide or device was registered or last registered. The director may prescribe other necessary information by regulation.

(d) Every registrant of pesticides or device shall pay an annual registration fee of seventy-five dollars (\$75.00) each for every product registered. All registrations shall expire on December 31 of each year, following the date of the registration, and may thereupon be renewed for successive periods of twelve (12) months upon payment of the proper fee. Funds collected pursuant to this section shall be deposited in the special natural resource account in the department of agriculture which is hereby created for programs authorized by W.S. 11-5-113 and 11-5-303.

(e) Any registration approved by the director and in effect on December 31 for which a renewal application has been made and the proper fee paid, shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provisions of W.S. 35-7-358. Forms for registration shall be mailed to registrants at least thirty (30) days prior to the due date.

(f) If it appears to the director that the composition of the pesticide or device is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of this act he shall register the pesticide.

#### **35-7-357. Experimental use permits.**

(a) Any person may apply to the director of the department of agriculture for an experimental use permit for a pesticide. The director may issue an experimental use permit if he determines that the applicant needs the permit in order to accumulate information necessary to register a pesticide under this act. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed.

(b) Use of a pesticide under an experimental use permit shall be under the supervision of the director, and shall be subject to such terms and conditions and be for such period of time as the director may prescribe in the permit.

(c) The director may revoke any experimental use permit, at any time, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

#### **35-7-358. Refusal to register; cancellation; suspension; legal recourse.**

(a) If it does not appear to the director of the department of agriculture that the pesticide or device is such as to warrant the proposed claims for it or if the pesticide or device and its labeling and other material required to be submitted do not comply with the provisions of this act or regulations adopted thereunder, he shall notify the applicant of the manner in which the pesticide or device, labeling, or other material required to be submitted fails to comply with the provisions of this act so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of notice, the applicant does not make the required changes the director may refuse to register the pesticide or device. The applicant may request a hearing as provided for in the Wyoming Administrative Procedure Act.

(b) The director, when he determines that the pesticide or device or labeling does not comply with the provisions of the act or the regulations adopted thereunder, may cancel the registration of a pesticide or device after a hearing in accordance with the provisions of the Wyoming Administrative Procedure Act.

(c) The director, when he determines that there is an imminent hazard, may suspend on his own motion, the registration of a pesticide in conformance with the provisions of the Wyoming Administrative Procedure Act.

(d) Any person who will be adversely affected by an order under this section may obtain judicial review in accord with the Wyoming Administrative Procedure Act.

**35-7-359. Classification of licenses.**

(a) Licenses shall include but are not limited to:

(i) Commercial applicator license;

(ii) Private applicator license.

(b) A commercial applicator shall notify the department of any change of address or change of employment within thirty (30) days of that change.

(c) The director may refuse an application for a reciprocal license for just cause including, but not limited to:

(i) An incomplete or falsified application;

(ii) A prior violation related to pesticides in this state or another state.

(d) The director may immediately suspend a reciprocal license upon discovery of any violation under subsection (c) of this section. The director may reinstate a license suspended under this subsection following a hearing pursuant to the Wyoming Administrative Procedure Act.

**35-7-360. Liability for damage; service of process.**

(a) Repealed by Laws 1979, ch. 91, 3.

(b) Repealed by Laws 1979, ch. 91, 3.

(c) Nothing in this act shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of this act.

(d) Before the director shall issue a pesticide applicator's license to a nonresident to apply pesticides in this state, each nonresident pesticide applicator shall appoint the director as his attorney to receive services of legal process issued against the pesticide applicator in this state. The appointment, effect of appointment, and procedures for service of process shall be as provided by W.S. 26-3-121 and 26-3-122.

**35-7-361. Inspection of equipment.**

The director may provide for inspection of any equipment used for application of pesticides and may require repairs or other changes before its further use for pesticide application. A list of requirements that equipment shall meet may be adopted by regulation.

**35-7-362. Reciprocal agreement.**

The director may issue a license or certification on a reciprocal basis with other states without examination to a nonresident who is licensed, or certified, in another state substantially in accordance with the provisions of this act but financial security as provided for in W.S. 35-7-360 or proof of liability insurance shall be submitted by nonresident commercial applicators. The department shall, by rule and regulation, establish criteria for reciprocity including, but not limited to, formal agreements with other states, residency, categories and examination. The director is authorized to adopt additional rules and regulations necessary to implement this section.

**35-7-363. Exemptions.**

(a) The provision of W.S. 35-7-355 relating to licenses and requirements for their issuance shall not apply to any private applicator applying pesticides for himself or with ground equipment or manually for his neighbors, except as to specific regulations as to the use of restricted pesticides and certification qualifications for private applicators, if:

(i) He operates farm property or operates and maintains pesticide application equipment primarily for his own use;

(ii) He is not engaged in the business of applying pesticides for hire amounting to a principal or regular occupation and he does not publicly hold himself out as a pesticide applicator.

(b) The word "device" shall not be construed to mean fly swatter, butterfly net, or any mechanical contrivance used to trap or kill insects or rodents.

**35-7-364. Discarding and storing of pesticides and pesticide containers.**

No person shall discard, transport, or store any pesticide or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects or to pollute any waterway in a way harmful to any wildlife therein. The board of certification may promulgate rules and regulations governing the discarding and storing of such pesticides or pesticide containers.

**35-7-365. Subpoenas.**

The director may issue subpoenas to compel the attendance of witnesses or production of books, documents, and records in the state in any hearing affecting the authority or privilege granted by a license, registration, or permit issued under the provisions of this act.

**35-7-366. Penalties.**

(a) Any person violating any provision of W.S. 35-7-350 through 35-7-375 or regulation thereunder is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than one (1) year, or both, for the first offense, and upon conviction for a subsequent offense shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or both. Any offense committed more than three (3) years after a previous conviction shall be considered a first offense.

(b) The director may bring an action to enjoin the violation or threatened violation of any provision or any regulation made pursuant to W.S. 35-7-350 through 35-7-375 in a court of competent jurisdiction of the county in which the violation occurs or is about to occur. The action may be initiated by the attorney general or the district attorney for the county in which the violation has or is about to occur.

(c) No state court shall allow the recovery of damages from administrative action taken if the court finds that there was probable cause for such action.

(d) If the department incurs fees or other expenses to remediate a violation by an applicator, the department may seek restitution from the applicator or the applicator's employer through a court of competent jurisdiction.

**35-7-367. Enforcement.**

(a) The sampling and examination of pesticides or devices shall be made under the direction of the director for the purpose of determining whether they comply with the requirements of this act. The director is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to pesticides or devices. If it appears from such examination that a pesticide or device fails to comply with the provisions of this act or regulations adopted thereunder, and the director contemplates instituting criminal proceedings against any person, the director shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity within a reasonable time to present his views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director, it appears that the provisions of the act or regulations adopted thereunder have been violated by such person, the director shall refer a copy of the results of the analysis or the examination of such pesticide or device to the district attorney for the county in which the violation occurred.

(b) Nothing in this act shall be construed as requiring the director to report minor violations of this act for prosecution or for the institution of condemnation proceedings when he believes that the public interest will be served best by a suitable notice of warning in writing.

(c) For the purpose of carrying out the provisions of this act the director may enter upon any public or private premises at reasonable times, in order:

(i) To have access for the purpose of inspecting any equipment subject to this act and such premises on which the equipment is kept or stored;

(ii) To inspect lands actually or reported to be exposed to pesticides;

(iii) To inspect storage or disposal areas;

(iv) To inspect or investigate complaints of injury to humans or land;

(v) To sample pesticides being applied or to be applied.

(d) If the director is denied access to any land where access was sought for the purposes set forth in this act, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such lands for the stated purposes. The court shall with probable cause upon such application issue the search warrant for the purposes requested.

(e) The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule made pursuant to this act in the district court of the county in which such violation occurs or is about to occur.

**35-7-368. Cooperation.**

The director is authorized to cooperate with and enter into agreements with any other agency of this state, the United States, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulation.

**35-7-369. Disposition of funds.**

All moneys received by the department under the provisions of this act shall be deposited into the treasury of the state to the credit of the general fund, excluding those funds collected pursuant to W.S. 35-7-356(d).

**35-7-370. Severability.**

If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this act and applicability thereof to other persons and circumstances shall not be affected thereby.

**35-7-371. Prior liability.**

The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

**35-7-372. Jurisdiction; repeals.**

Jurisdiction in all matters pertaining to the registration, distribution, transportation and disposal of pesticides and devices is by this act vested exclusively in the director and board of certification and all acts and parts of acts inconsistent with this act are hereby expressly repealed.

**35-7-373. Registration of aircraft.**

(a) Any person engaged in the activity or business of applying pesticides utilizing any type of aircraft shall register each aircraft annually with the Wyoming department of agriculture, on a printed form provided by the department. The registration shall include the following:

(i) Manufacturer, model and type of aircraft;

(ii) Identification number assigned to the aircraft;

(iii) Owner of the aircraft; and

(iv) User of the aircraft if different from the owner.

(b) The fee authorized by W.S. 11-1-104 shall be charged to each person registering aircraft. Aircraft shall be registered on or before April 1 of each year.

**35-7-374. Prohibited acts.**

(a) It is unlawful for any person to:

(i) Detach, alter, deface or destroy, in whole or in part, any labeling prior to proper disposal of the pesticide containers;

(ii) Refuse to keep any records as required by the director by regulation or to refuse to allow the inspection of such records by the director during normal working hours;

(iii) Make available for use, or to use, any restricted pesticide classified for restricted use for some or all purposes, except by or under the direct supervision of a certified applicator;

(iv) Use any pesticide in a manner inconsistent with its labeling which means to use any pesticide in a manner not permitted by the labeling, or not authorized by the director under a special local need registration, an experimental use permit or an emergency exemption, provided that this paragraph does not include:

(A) Applying a pesticide at any dosage, concentration or frequency less than that specified on the labeling;

(B) Applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling;

(C) Employing any method of application not prohibited by the labeling; or

(D) Mixing a pesticide or pesticides with a fertilizer when the mixture is not prohibited by the labeling.

(v) To falsify any records required by the director by regulation;

(vi) To falsify any application, examination or affidavit for certification or license;

(vii) Other than certified applicators or persons working under their direct supervision to use restricted use pesticides;

(viii) To use restricted use pesticides inconsistent with the applicator category of certification.

(b) If the director finds that the violation occurred despite the exercise of due care or did not cause significant harm to another person, to health or to the environment, he shall issue a warning in lieu of prosecution.

(c) Except as otherwise provided by the Wyoming Environmental Pesticide Control Act of 1973, no political subdivision of this state shall adopt or enforce any ordinance, resolution, rule or regulation regarding pesticides storage, sale, distribution, notification of use, or use that is more stringent than the Wyoming Environmental Pesticide Control Act of 1973 or rules promulgated thereunder.

### **35-7-375. Required notification of pesticide application on or within school buildings.**

(a) Any commercial applicator licensed under W.S. 35-7-359 or any other person shall provide notification required by this section of the application of any pesticide as defined under W.S. 35-7-354(d) which is applied on or within any building or other real property used by a school district primarily for the education of students, including any property used by the district for student activities or playgrounds. Notice under this subsection shall be provided to the district not less than seventy-two (72) hours prior to application and the district shall further notify students, teachers and staff. All notices distributed under this subsection shall be marked with a distribution date and include information indicating date of application, location of application or treatment area, pest to be controlled, name and type of pesticide to be applied and a contact for additional information. All notices distributed under this subsection shall be retained by the school or school district for two (2) years.

(b) In addition to notice required under subsection (a) of this section, the licensed commercial applicator or other school employee applying pesticides shall post signs on the school building or property stating the date of application, the location of the application or treatment area, the name and type of the pesticide to be applied and a contact for additional information. Upon request, the licensed commercial applicator or other school employee shall provide information on how to obtain additional information on the pesticide. Not less than twelve (12) hours before application of pesticides within school buildings, signs shall be posted at main entrances to school buildings and at the entrances to the specific application area within buildings. If pesticide application is made outdoors to any area adjacent to a school building or on property used by the district for student activities or playgrounds, signs shall be posted immediately adjacent to the treated area and at the entrance to the district property. The signs shall remain posted for seventy-two (72) hours.

(c) Anti-microbial pesticides defined under W.S. 35-7-354(d), such as disinfectants and sanitizers used by school employees for cleaning purposes and insect or rodent bait stations of the type available for home use are exempted

from the notification and posting requirements specified in subsections (a) and (b) of this section.

**35-7-376. Direct supervision.**

(a) As used in this section, unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available within a reasonable time and distance, even though the certified applicator is not physically present at the time and place the pesticide is applied.

(b) All pesticide applications made for hire shall be under the direct supervision of a certified commercial applicator. All applications of restricted use pesticide shall be made under the direct supervision of a certified applicator. Availability of the certified applicator shall be directly related to the potential hazard of the situation. The certified applicator shall be:

(i) Available by immediate contact through telephone or radio; or

(ii) Physically present on-site when use of the pesticide poses a potentially serious hazard to people or the environment.

(c) As used in this section:

(i) Reasonable time by the supervising applicator to on-site is deemed to be not more than one (1) hour response time;

(ii) Reasonable distance by the supervising applicator to on-site is deemed to be not more than fifty (50) air miles.

**TITLE 15 - CITIES AND TOWNS**

**CHAPTER 4 - ALTERNATIVE FORMS OF GOVERNMENT**

**ARTICLE 2 - CITY MANAGER**

**15-4-204 Manager; duties; public health; garbage**

The manager shall enforce all statutes, ordinances and regulations relative to the public health, comfort and safety. If the owner or occupant of property deposits or allows the accumulation of garbage, offal, manure or rubbish of any kind upon it, or in the streets or alleys upon which it abuts, or permits **weeds** to grow and remain on the property, in violation of any statute or ordinance, the manager shall serve notice upon the occupant, or the owner or his agent, to remove the rubbish or **weeds**. If they are not removed within one (1) day after service of notice, the manager shall have them removed. The cost of removal shall be assessed against the property and constitutes a lien thereon. The owner shall be notified of the amount assessed, and if it is not paid, it shall be collected in the same manner as other special assessments.

**TITLE 16 - CITY, COUNTY, STATE AND LOCAL POWERS**

**CHAPTER 4 - UNIFORM MUNICIPAL FISCAL PROCEDURES; PUBLIC RECORDS, DOCUMENTS AND MEETINGS**

**ARTICLE 4 - PUBLIC MEETINGS**

**16-4-401. Statement of purpose.**

The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in this act.

**16-4-402. Definitions.**

(a) As used in this act:

(i) "Action" means the transaction of official business of an agency including a collective decision of a governing body, a collective commitment or promise by a governing body to make a positive or negative decision, or an actual vote by a governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance;

(ii) "Agency" means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute or ordinance, other than the state legislature and the judiciary;

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "This act" means W.S. 16-4-401 through 16-4-408.

**16-4-403. Meetings to be open; participation by public; minutes.**

(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.

(b) A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation.

(c) Minutes of a meeting:

(i) Are required to be recorded but not published from meetings when no action is taken by the governing body;

(ii) Are not required to be recorded or published for day-to-day administrative activities of an agency.

**16-4-404. Types of meetings; notice; recess.**

(a) In the absence of a statutory requirement, the governing body of an agency shall provide by ordinance, resolution, bylaws or rule for holding regular meetings unless the agency's normal business does not require regular meetings in which case the agency shall provide notice of its next meeting to any person who requests notice. A request for notice may be made for all future meetings of an agency.

(b) Special meetings may be called by the presiding officer of a governing body by giving notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting.

(c) The governing body of an agency may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held.

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours.

(e) Day-to-day administrative activities of an agency shall not be subject to the notice requirements of this section.

**16-4-405. Executive sessions.**

(a) A governing body of an agency may hold executive sessions not open to the public:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

(b) Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members' objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made.

#### **16-4-406. Disruption of public meetings.**

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the governing body of an agency may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. A governing body of an agency shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section.

#### **16-4-407. Conflict of law.**

If the provisions of this act conflict with any other statute, the provisions of this act shall control.

#### **16-4-408. Penalty.**

(a) Any member or members of an agency who knowingly and willfully takes an action in violation of or conspires to take an action in violation of this act shall be guilty of a misdemeanor. Any member of the governing body of an agency who attends or remains at a meeting where an action is taken knowing that the action is in violation of this act shall be guilty of a misdemeanor unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes. Either misdemeanor violation under this subsection is punishable upon conviction by a fine of not more than seven hundred fifty dollars (\$750.00).

(b) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

**TITLE 18 - COUNTIES**  
**CHAPTER 1 - GENERALLY**  
**ARTICLE 1 - COUNTY BOUNDARIES**

**18-2-108. Joint establishment, operation, contracts and agreements of facilities by local governments; sharing of costs; issuance of bonds; limitation on expenditures.**

(a) Each county, municipality, school, hospital or other special district, or any two (2) or more of them may enter into contracts or agreements to jointly establish and operate recreation facilities, water, liquid or solid waste facilities, police protection agency facilities, fire protection agency facilities, transportation system facilities, public school facilities, airports, public health facilities, community college facilities, hospital and related medical facilities, courthouse, jail and administrative office facilities or any combination thereof, and public access roads to school, hospital or other special districts where not otherwise provided by law.

(b) Each county, municipality, school, hospital or other special district, or any two (2) or more of them may enter into contracts or agreements to jointly purchase, lease, construct and operate facilities and equipment used in joint operations permitted under this section and may issue their bonds for such purpose as provided by law.

(c) The costs of the joint operations and joint use of machinery and facilities specified in this section shall be shared among the contracting parties as determined by their governing boards but no cost shall be incurred nor monies expended by any contracting party which will be in excess of limits prescribed by law for expenditures by it.

**TITLE 23 - GAME AND FISH**  
**CHAPTER 4 - PROTECTION AND PROPAGATION OF FISH**  
**ARTICLE 2 - AQUATIC INVASIVE SPECIES**

23-4-201. Definitions.

(a) As used in this article:

(i) "Aquatic invasive species" means exotic or non-native aquatic organisms that have been determined by the commission to pose a significant threat to the aquatic resources, water supplies or water infrastructure of the state;

(ii) "Conveyance" means a motor vehicle, boat, watercraft, raft, vessel, trailer or any associated equipment or containers, including but not limited to live wells, ballast tanks, bilge areas and water hauling equipment that may contain or carry an aquatic invasive species;

(iii) "Decontaminate" means to wash, drain, dry or chemically, thermally or otherwise treat a conveyance in accordance with rules promulgated by the commission in order to remove or destroy an aquatic invasive species;

(iv) "Equipment" means an article, tool, implement or device capable of containing or transporting water or aquatic invasive species;

(v) "Inspect" means to examine a conveyance pursuant to procedures established by the commission in order to determine whether an aquatic invasive species is present, and includes examining, draining or treating water in the conveyance;

(vi) "Water sport toy" means a sailboard, float tube, kite board or any aid to swimming or fishing that is not designed primarily for navigation.

**23-4-202. Prohibition on aquatic invasive species; mandatory conveyance checks; reporting.**

(a) No person shall:

(i) Launch any conveyance into the waters of this state without first complying with aquatic invasive species prevention requirements established by commission rule;

(ii) Possess, import, export, ship, transport or cause to be possessed, imported, exported, shipped or transported an aquatic invasive species in this state, except as authorized by the commission;

(iii) Introduce an aquatic invasive species into any waters of the state; or

(iv) Refuse to comply with the inspection requirements or any order issued under this article.

(b) A person who knows that an unreported aquatic invasive species is present at a specific location in this state shall immediately report that knowledge and all pertinent information to the commission or a peace officer.

**23-4-203. Enforcement.**

(a) In order to prevent, control, contain, monitor and whenever possible eradicate aquatic invasive species from the waters of this state, the commission and the department of state parks and cultural resources shall promulgate rules and regulations to administer and enforce the provisions of this article and to establish, operate and maintain aquatic invasive species check stations in order to inspect conveyances.

(b) Every conveyance shall stop at authorized mandatory aquatic invasive species check stations in accordance with rules established by the commission and the department of state parks and cultural resources. Upon probable cause that an aquatic invasive species may be present, a peace officer may:

(i) Require the owner of a conveyance to decontaminate the conveyance; or

(ii) Decontaminate or impound and quarantine the conveyance as provided in this section.

(c) The commission, in consultation with the department of state parks and cultural resources, may restrict watercraft usage on waters of the state as provided in W.S. 41-13-211(b) upon a finding that a specific body of water is threatened with the imminent introduction of an aquatic invasive species or an aquatic invasive species has been introduced to the specific body of water.

(d) Any peace officer is authorized to stop and inspect for the presence of aquatic invasive species or for proof of required inspection any conveyance:

(i) Immediately prior to a boat, vessel or watercraft being launched into waters of the state;

(ii) Prior to departing from the waters of this state or a boat, vessel or watercraft staging area;

(iii) That is visibly transporting any aquatic plant material; or

(iv) Upon a reasonable suspicion that an aquatic invasive species may be present.

(e) A peace officer may order the decontamination of a conveyance upon a determination that an aquatic invasive species is present after conducting an inspection as provided in this section.

(f) A peace officer may impound and quarantine a conveyance if:

(i) The peace officer finds that an aquatic invasive species is present after conducting an inspection authorized by this section;

(ii) The person transporting the conveyance refuses to submit to an inspection authorized by this section; or

(iii) The person transporting the conveyance refuses to comply with an order authorized by this section to decontaminate the conveyance.

(g) An impoundment and quarantine of a conveyance may continue for the reasonable period necessary to inspect and decontaminate the conveyance and to ensure that the aquatic invasive species has been completely eradicated from the conveyance or is no longer living.

(h) As provided in this subsection, every conveyance entering the state by land shall be inspected by an authorized aquatic invasive species inspector in accordance with rules established by the commission prior to contacting or entering the waters of this state. The commission shall promulgate rules establishing the dates when such inspections are required and qualifications for authorized inspectors.

(j) The commission, in coordination with the department of transportation, the department of state parks and cultural resources and the department of agriculture, is authorized to establish and inspect conveyances at mandatory aquatic invasive species check stations at ports of entry, other department of transportation facilities located near the borders of this state that meet established state and national safety and commerce requirements for the traveling public or other appropriate facilities.

**23-4-204. Rulemaking authority; fees.**

(a) The commission and the department of state parks and cultural resources shall promulgate rules to administer and enforce the provisions of this article.

(b) The commission and the department of state parks and cultural resources shall establish and collect fees in accordance with the following:

(i) An annual fee shall be collected by the commission or the department of state parks and cultural resources for every watercraft before the watercraft enters the waters of the state. Payment of the fees shall be evidenced by a sticker placed on the bow of the watercraft and no person shall operate nor shall the owner permit the operation of any watercraft on the waters of the state without payment of the fees provided in this section and display of the sticker on the bow of the watercraft. For purposes of this paragraph, "watercraft" means any contrivance used or designed primarily for navigation on water but does not include personal flotation devices or water sport toys;

(ii) Fees shall be established by commission rule or regulation promulgated in accordance with the Wyoming Administrative Procedure Act;

(iii) Fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required under this article.

(c) The department of state parks and cultural resources may collect fees and shall transfer those fees collected to the commission for deposit in the account created pursuant to W.S. 23-1-501(g).

**23-4-205. Penalties.**

(a) Any person who violates the provisions of this article or any order under this article is guilty of a high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

(b) In addition to any other criminal penalty provided in this section any person who violates any provision of this article, may be assessed civil penalties in an amount not to exceed the costs incurred by the commission and the department of state parks and cultural resources in enforcing the provisions of this article but shall not include costs associated with the eradication of an aquatic invasive species introduced into the waters of this state. The commission or the department of state parks and cultural resources may bring a civil action in any court of competent jurisdiction for civil penalties or injunctive relief.

**23-4-206. Reciprocal aquatic invasive species program agreements with adjoining states authorized; water subject to agreements; implementing orders.**

(a) The commission is authorized to enter into reciprocal agreements with corresponding state officials of adjoining states for purposes of providing for the recognition of aquatic invasive species programs at least as restrictive as those in Wyoming, for boating by residents of this state and adjoining states upon artificial impoundments of water forming the boundary between this state and adjoining states. The agreements may include provisions by which each state shall honor the aquatic invasive species program fees of the other state. Watercraft operators from the other state shall display proof of payment of the appropriate aquatic invasive species program fee from the other state and any additional reciprocity fee to the state of Wyoming set by mutual agreement of the states.

(b) It is the primary purpose of this section to provide a method whereby the boating opportunities afforded upon artificial impoundments of water forming the boundary between this state and adjoining states may be mutually enjoyed by the residents of Wyoming and the residents of adjoining states.

(c) The commission is authorized to establish orders as provided in this act to implement any agreements under this section.

**TITLE 24 - HIGHWAYS**

**CHAPTER 1 - GENERAL PROVISIONS**

**24-1-118. Construction and maintenance to be performed at expense of state.**

Excepting as such work may be performed through mutual agreement with other entities, either public or private, the construction and maintenance of all state highways, including all bridges, and culverts thereon, shall be performed at the expense of the state and by and under the supervision of the commission and the director of the department of transportation or his authorized representative.

**24-2-110. Cooperation with counties in construction and maintenance of county roads; allocation of costs; state-county road construction account established.**

(a) The board of county commissioners of each county shall establish a separate road construction and maintenance fund solely for the construction and maintenance of county roads, bridges and culverts. Work using funds from the road construction and maintenance fund of a county shall be performed under contract awarded after competitive bidding if the estimated cost of the work exceeds fifty thousand dollars (\$50,000.00). All work shall be performed under the immediate control and supervision of the board of county commissioners or its authorized representative and in accordance with county road standards as established by the Wyoming county road standards committee. The road construction and maintenance fund program is a supplement to federal aid, primary and secondary road programs in each county. The term "construction and maintenance" as used in this section means construction, reconstruction, surveys, mapping, right-of-way costs, bridges, culverts, general road maintenance and fencing. The county shall use existing grades, bridges and other physical items or facilities in order to minimize or avoid more costly relocation.

(b) All expenses of maintaining the road after its construction is completed shall be paid by the county.

**TITLE 37 - PUBLIC UTILITIES**

**CHAPTER 1 - General Provisions**

**ARTICLE 3 - FIREGUARDS; FENCES; INJURIES TO STOCK**

**37-9-311. Spraying weeds on rights-of-way.**

It shall further be the duty of the railroad to spray *noxious weeds* on rights-of-way to prevent spread to adjoining lands.

**TITLE 31 - MOTOR VEHICLES**

**CHAPTER 3 - GENERAL FEES**

**31-3-101. Registration fees; exemptions.**

(g) Owners of the following vehicles are exempt from the payment of fees provided by subsections (a) and (b) of this section:

(i) Vehicles owned by the United States, state of Wyoming, county, city, town or political subdivision of Wyoming or a joint powers board created under W.S. 16-1-101 through 16-1-109, or vehicles owned by an irrigation district created under W.S. 41-7-201 through 41-7-210 or vehicles owned by a **weed and pest control district** created under W.S. 11-5-101 et seq. provided the vehicles are essential to the operation and maintenance of the district and are used for no business or commercial activity unrelated to the operation and maintenance of the district, or vehicles owned by a senior citizen center that is providing services to senior citizens under W.S. 18-2-105;

**TITLE 39 - TAXATION AND REVENUE**

**CHAPTER 11 - ADMINISTRATION**

**39-11-102. Administration; confidentiality; department of revenue.**

(c) In addition to the other powers and duties imposed by law, the department shall:

(xxii) Map and keep record of the geographical boundaries for all special districts in the state;

(xxiii) Review boundaries for proposed special districts pursuant to W.S. 22-29-109(a);

(xxiv) Promulgate rules and regulations as provided by the Wyoming Administrative Procedure Act, necessary to map and keep record of the geographical boundaries for all special districts and governmental entities with the authority to levy or require the levy of property taxes. Notwithstanding any other provision of law, no special district or governmental entity with authority to levy or require the levy of property taxes shall levy any property taxes

unless in compliance with the rules and regulations promulgated pursuant to this subsection; and

**39-11-105. Exemptions.**

(a) The following property is exempt from property taxation:

(xxxiii) Real and personal property owned by an irrigation district created under W.S. 41-7-201 through 41-7-210 or a **weed** and pest control district created under W.S. 11-5-101 et seq. which is essential to the operation and maintenance of the district and which is used for no business or commercial activity unrelated to the operation and maintenance of the district;

**TITLE 31 - TAXATION AND REVENUE**  
**CHAPTER 13 - AD VALOREM TAXATION**

**39-13-104. Taxation rate.**

(d) There shall be annually levied and assessed upon the taxable value of property within the limits of Wyoming school districts the following school taxes when applicable:

(viii) Not to exceed one (1) mill for a county **weed and pest control district** as provided by W.S. 11-5-111 and not to exceed an additional one (1) mill as provided by W.S. 11-5-303;

**TITLE 37 - CITY, COUNTY, STATE AND LOCAL POWERS**  
**CHAPTER 4 - UNIFORM MUNICIPAL FISCAL PROCEDURES; PUBLIC RECORDS, DOCUMENTS AND MEETINGS**  
**ARTICLE 1 - UNIFORM MUNICIPAL FISCAL PROCEDURES**

**16-4-101. Short title.**

This act shall be known and may be cited as the "Uniform Municipal Fiscal Procedures Act".

**16-4-102. Definitions.**

(a) As used in this act:

(i) "AICPA" means the American Institute of Certified Public Accountants;

(ii) "Appropriation" means an allocation of money to be expended for a specific purpose;

(iii) "Budget" means a plan of financial operations for a fiscal year or two (2) fiscal years, embodying estimates of all proposed expenditures for given purposes, the proposed means of financing them and what the work or service is to accomplish. "Budget" includes the budget of each fund for which a budget is required by law and the collective budgets for all the funds based upon the functions, activities and projects;

(iv) "Budget officer" means any official appointed by the governing body of a municipality and the county clerk in the case of counties;

(v) "Budget year" means the fiscal year or years for which a budget is prepared;

(vi) "Current year" means the fiscal year in which a budget is prepared and adopted for the ensuing budget year;

(vii) "Department" means a functional unit within a fund which carries on a specific activity, such as a police department within a city general fund, the office of an elected county official or a major program category such as "instruction" in a school district fund;

(viii) "Estimated revenue" means the amount of revenues estimated to be received during the budget year in each fund;

(ix) "Financial and compliance audit" means the determination in accordance with generally accepted auditing standards:

- (A) Whether financial operations are properly conducted;
- (B) Whether the financial reports of an audited entity are presented fairly; and
- (C) Whether the entity has complied with applicable laws and regulations.

(x) "Fiscal year" means the annual period for recording fiscal operations beginning July 1 and ending June 30;

(xi) "Fund balance" means the excess of the assets over liabilities, reserves and contributions, as reflected by a municipality's books of account;

(xii) "Fund deficit" means the excess of liabilities, reserves and contributions over fund assets, as reflected by a municipality's books of account;

(xiii) "Independent auditors" means independent public accountants who have no personal interest in the financial affairs of the entity or in affairs of the officers of the entity being audited and who audit under the standards promulgated by the AICPA for state and local governments;

(xiv) "Municipality" means:

(A) All incorporated first class cities, towns having a population in excess of four thousand (4,000) inhabitants and all towns operating under the city manager form of government;

(B) Counties;

(C) School districts;

(D) Community colleges.

(xv) "Proposed budget" means the budget presented for public hearing as required by W.S. 16-4-109 and formatted as required by W.S. 16-4-104 (b);

(xvi) "Requested budget" means a budget presented by the budget officer to the governing body on or before May 15;

(xvii) "Unanticipated income" means income which is received during the budget year which could not reasonably have been expected to be available during the current budget year;

(xviii) "Unappropriated surplus" means the portion of the fund balance of a budgetary fund which has not been appropriated or reserved in an ensuing budget year;

(xix) "Uniform chart of accounts" means the chart of accounts designed for municipalities which have been approved by the director of the state department of audit;

(xx) "This act" means W.S. 16-4-101 through 16-4-124.

#### **16-4-103. Budget requirements.**

(a) Municipal budgets are required each fiscal year or every other year as provided for in W.S. 16-4-104(h) for all expenditures and funds of the municipalities.

(b) Intragovernmental and enterprise fund municipal budgets are required for adequate management control and for public information including financial statements of condition, work programs and any other costs as the municipal governing body may request. These fund accounts shall not be deemed to have spent amounts in excess of those budgeted when the funds available from all sources are sufficient to cover the additional operating expenditures which have been approved by the governing bodies.

(c) Repealed By Laws 2000, Ch. 7, 1.

#### **16-4-104. Preparation of budgets; contents; review; subsequent authorized projects.**

(a) All departments shall submit budget requests to the appropriate budget officer on or before May 1, except as provided for in subsection (h) of this section. On or before May 15, the budget officer shall prepare a requested budget for each fund and file the requested budget with the governing body, except as provided for in subsection (h) of this section. The requested budget shall be prepared to best serve the municipality and county budget officers shall include all departmental requests. The governing body may amend the requested budget and the requested budget as amended shall be the budget proposed for adoption.

(b) The appropriate budget officer shall prepare a proposed budget for each fund and file the proposed budget with the governing body in a timely fashion allowing the governing body to meet the hearing date and notice requirements established by W.S. 16-4-109. The format of the proposed budget shall be prepared to best serve the municipality except that the budget formats for community colleges shall be uniform and approved by the community college commission and the director of the state department of audit. The proposed budget shall set forth:

(i) Actual revenues and expenditures in the last completed budget year;

(ii) Estimated total revenues and expenditures for the current budget year;

(iii) The estimated available revenues and expenditures for the ensuing budget year.

(c) Each proposed and adopted budget shall contain the estimates of expenditures and revenues developed by the budget officer together with specific work programs and other supportive data as the governing body requests. The estimates of revenues shall contain estimates of all anticipated revenues from any source whatsoever including any revenues from state distribution of taxes including sales and use tax including any local optional sales and use tax, lodging tax, fuel tax, cigarette tax and severance tax, federal mineral royalties from the state, any mineral royalty grants from the state loan and investment board, and any local sources including business permits and building permits. The estimates shall be made according to budget year, including the difference from the previous budget year for each source.

(d) Each proposed and adopted budget shall be accompanied by a budget message in explanation of the budget. The budget message shall contain an outline of the proposed financial policies for the budget year and describe in connection therewith the important features of the budgetary plan. It shall also state the reasons for changes from the previous year in appropriation and revenue items and explain any major changes in financial policy.

(e) The proposed budget shall be reviewed and considered by the governing body in a regular or special meeting called for this purpose. Following a public hearing as provided in W.S. 16-4-109, the governing body shall adopt a budget.

(f) This act does not prevent the municipality from undertaking any project authorized by vote of the people after adoption of the budget.

(g) Repealed By Laws 2009, Ch. 90, 3.

(h) Any incorporated city or town may employ a two (2) year budget cycle and adopt a two (2) year budget under the following conditions:

(i) The two (2) year period shall begin with the city's or town's first fiscal year following a budget session of the legislature;

(ii) For the second year of the budget cycle, the budget officer shall prepare a budget adjustment that includes the original budget and any proposed changes in revenues and expenditures. The governing body shall consider and adopt the second year budget adjustment according to the same procedure that was used for the original two (2) year budget, including all public notices and hearings;

(iii) The city or town shall comply with all other provisions of this act. The requirements of this act may be performed on a biennial basis pursuant to this subsection unless this act specifies that the requirement be performed on a fiscal year or annual basis and the provision in which the requirement appears does not reference this subsection. Any other provision of law imposing reporting or other requirements upon a city or town on an annual or fiscal year basis shall not be affected by the adoption of a biennial year budget pursuant to this subsection unless the provision in which the requirement appears references this subsection.

(j) Repealed by Laws 2008, Ch. 44, 2.

**16-4-105. Accumulated retained earnings or fund surplus; capital improvements reserve.**

(a) A municipality may accumulate retained earnings in any enterprise or intragovernmental service fund or accumulate a fund surplus in any other fund. With respect to the general fund the accumulated fund balance may be used to meet any legal obligation of the municipality or to:

(i) Provide cash to finance expenditures from the beginning of the budget year until general property taxes and other revenues are collected;

(ii) Provide a reserve to meet emergency expenditures; or

(iii) Provide a reserve by the carryover from one (1) biennium to another of any surplus generated by community service and continuing education programs operated by community colleges.

(b) A municipality may appropriate funds from estimated revenue in any budget year to a reserve for capital improvements and for depreciation within any capital improvements fund, and for the purpose of purchasing or replacing specified equipment or a depreciation reserve for equipment, which has been duly established by ordinance. Money in the reserves may be allowed to accumulate from year to year until the accumulated total is sufficient to permit economical expenditure for the specified purposes. Disbursements from reserves shall be made only by transfer to a revenue account within a capital improvements fund pursuant to an appropriation for the fund. The amount appropriated to reserves under this subsection in any budget year shall not exceed ten percent (10%) of the municipality's total revenues for that budget year.

(c) Expenditures from capital improvement or equipment budget accounts shall conform to all requirements of this act as it relates to the execution and control of budgets.

**16-4-106. Property tax levy.**

The amount of estimated revenue from property tax required by the budget shall constitute the basis for determination of the property tax to be levied for the corresponding tax years subject to legal limitations. The amount of tax shrinkage allowed shall not exceed the actual percentage of uncollected taxes to the total taxes levied for the preceding fiscal year or preceding two (2) fiscal years pursuant to W.S. 16-4-104(h). This section also applies to districts and entities described in W.S. 16-4-125(c).

**16-4-107. Authorized purchases or encumbrances.**

All purchases or all encumbrances on behalf of any municipality shall be made or incurred only upon an order or approval of the person duly authorized to make such purchases except encumbrances or expenditures directly investigated and reported and approved by the governing body.

**16-4-108. Limitation on expenditures or encumbrances; documentation of expenditures.**

(a) No officer or employee of a municipality shall make any expenditure or encumbrance in excess of the total appropriation for any department. The budget officer shall report to the governing body any expenditure or encumbrance made in violation of this subsection.

(b) The expenditure of municipality monies, other than employee contract payments, may be authorized by the governing body when the payee has provided the municipality with an invoice or other document identifying the quantity and total cost per item or for the services rendered included on the invoice or other document and the claim is certified under penalty of perjury by the vendor or by an authorized person employed by the municipality receiving the items or for whom the services were rendered.

**16-4-109. Budget hearings.**

(a) A summary of the proposed budget shall be entered into the minutes and the governing body shall publish the summary at least one (1) week before the hearing date in a newspaper having general circulation in which the municipality is located, if there is one, otherwise by posting the notice in three (3) conspicuous places within the municipality.

(b) Hearings for county budgets shall be held not later than the third Monday in July, for city and town budgets not later than the third Tuesday in June, for school districts and community college districts not later than the third Wednesday in July and for all other special purpose districts having the power to levy or require the levy of taxes not later than five (5) days after the third Thursday in July except as hereafter provided. The governing board of any special purpose district may choose to hold the budget hearing in conjunction with the county budget hearings and so advertise. The governing board of each municipality shall arrange for and hold the hearings and provide accommodations for interested persons. Copies of publications of hearings shall be furnished to the director of the state department of audit and school districts shall also furnish copies to the state department of education. This section also applies to districts and entities described in W.S. 16-4-125(c) excluding incorporated towns not subject to this act.

(c) Repealed By Laws 2000, Ch. 7, 1.

(d) Repealed by Laws 2000, Ch. 7, 1.

**16-4-110. Limitation on appropriations.**

The governing body of a municipality shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue of the fund for the budget year.

**16-4-111. Adoption of budget.**

(a) Within twenty-four (24) hours of the conclusion of the public hearing under W.S. 16-4-109(b), the governing body of each municipality shall, by resolution or ordinance, make the necessary appropriations and adopt the budget, which, subject to future amendment, shall be in effect for the next fiscal year or two (2) fiscal years pursuant to W.S. 16-4-104(h).

(b) Prior to adopting the budget, the county commissioners may veto, in whole or in part, line items of budgets presented by boards which were totally appointed by the county commissioners.

(c) Boards, the members of which are appointed by the county commissioners, shall expend funds only as authorized by the approved budget unless a departure from the budget is authorized by the board of county commissioners.

(d) As provided by W.S. 39-13-104(k), a copy of the adopted budget, certified by the budget officer, shall be furnished the county commissioners for the necessary property tax levies. Certified copies of the adopted budget shall be on file in the office of the budget officer for public inspection. Copies of school district budgets shall be furnished to the state department of education and copies of community college budgets shall be furnished to the community college commission. This section also applies to districts and entities described in W.S. 16-4-125(c) excluding incorporated cities and towns under four thousand (4,000) inhabitants.

**16-4-112. Transfer of unencumbered or unexpended appropriation balances.**

At the request of the budget officer or upon its own motion after publication of notice, the governing body may by resolution transfer any unencumbered or unexpended appropriation balance or part thereof from one (1) fund, department or account to another.

**16-4-113. General fund budget increase.**

The budget of the general fund may be increased by resolution of the governing body. The source of the revenue shall be shown whether unanticipated, unappropriated surplus, donations, etc.

**16-4-114. Emergency expenditures.**

If the governing body determines an emergency exists and the expenditure of money in excess of the general fund budget is necessary, it may make the expenditures from revenues available under W.S. 16-4-105(a)(ii) as reasonably necessary to meet the emergency. Notice of the declaration of emergency shall be published in a newspaper of general circulation in the municipality.

**16-4-115. Appropriations lapse; prior claims.**

All appropriations excluding appropriations for capital projects shall lapse following the close of the budget year to the extent they are not expended or encumbered. All claims incurred prior to the close of any fiscal year shall be treated as if properly encumbered.

**16-4-116. Transfer of special fund balances.**

If the necessity to maintain any special revenue or assessment fund ceases and there is a balance in the fund, the governing body shall authorize the transfer of the balance to the fund balance account in the general fund. Any balance which remains in a capital improvements or capital projects fund shall be transferred to the appropriate debt service fund or other fund as the bond ordinance requires or to the general fund balance account.

**16-4-117. Interfund loans.**

The governing body may authorize interfund loans from one (1) fund to another at interest rates and terms for repayment as it may prescribe and may invest available cash in any fund as provided by law.

**16-4-118. Special assessments.**

Money received by the municipal treasurer from any special assessment shall be applied towards payment of the improvement for which the assessment was approved. The money shall be used exclusively for the payment of the principal and interest on the bonds or other indebtedness incurred to finance the improvements except as provided in W.S. 16-4-116.

**16-4-119. Financial statements and reports; public inspection.**

(a) The budget officer shall present to the governing body the statement and reports provided by subsection (b) of this section.

(b) Appropriate interim financial statements and reports of financial position, operating results and other pertinent information may be prepared to facilitate management control of financial operations and, where necessary or desired, for external reporting purposes as required by the governing body.

(c) All financial statements made pursuant to this section shall be open for public inspection during regular business hours.

**16-4-120. Prescribed accounting systems.**

(a) Each municipality shall maintain their accounting records in accordance with generally accepted accounting principles.

(b) Each school district and community college shall continue to maintain the uniform system of accounting prescribed by the state department of education and the community college commission.

(c) Each county and special district hospital shall continue to maintain the uniform system of accounting in accordance with generally accepted accounting principles and federal hospital regulations.

**16-4-121. Required annual audits; conduct; expenses; commencement and completion; additional requirements for school audits.**

(a) The governing body of each municipality shall cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the municipality for each fiscal year. At the option of the governing body, audits may be made at more frequent intervals.

(b) The governing body shall make available all documents and records required to perform the audit upon request by the independent auditor.

(c) The audits shall be conducted by independent auditors in accordance with generally accepted auditing standards as promulgated by the AICPA in their guidelines for audits of state and local government units. The audit procedures shall be performed in accordance with "Government Auditing Standards", issued by the comptroller general of the United States. Any audit performed shall comply with the requirements of W.S. 9-1-507.

(d) The expenses of audits required by this act shall be paid by the municipality for which the audit is made.

(e) The first audit shall commence with the fiscal year ending June 30, 1982 and thereafter at the end of each fiscal year. Except for school audits which shall be completed by November 15 following the end of the audited fiscal year, the audits shall be completed not more than six (6) months after the end of the fiscal year being audited. If within seven (7) months after the end of the fiscal year, a copy of an audit report has not been received by the director of the state department of audit, inquiry shall be made by the director. If the municipality has failed to have an annual audit commenced, the director shall make written demand on the governing body to commence the annual audit within thirty (30) days. If the annual audit report of a municipality is not filed with the director within nine (9) months after the end of the fiscal year, the director shall contract with an independent auditor to conduct the audit and shall reimburse the independent auditor from sufficient state revenues and grants withheld from the municipality when certified by the director to the state treasurer, to pay the expenses of the audit. If there are no state funds which may be withheld, the director shall require the municipality to pay the audit expenses from any funds available and certify the amount to be collected to the attorney general for appropriate legal proceedings.

(f) County memorial hospitals and hospital districts shall have an annual audit conducted by an independent certified public accountant in accordance with generally accepted government auditing standards applicable to the district or entity. The audit expense shall be included in the operating budget of the district or entity.

(g) Each year an audit shall be made in accordance with the requirements of subsection (c) of this section and a report filed for the immediately succeeding fiscal year as necessary to determine foundation program guarantees and account expenditures by school districts.

**16-4-122. Required annual audits; reports; contents and filing.**

(a) Audit reports shall conform to generally accepted accounting principles as provided by W.S. 16-4-121(c).

(b) Copies of the audit reports shall be filed with and preserved by the county clerk of each affected county and shall be open to inspection by any interested person. Copies of all audits shall also be filed with the director of the state department of audit. Copies of school audits shall also be filed with the state department of education on or before December 15 following the end of the audited fiscal year. Copies of community college audit findings shall also be filed with the community college commission and the budget division of the department of administration and information as provided by W.S. 21-18-204.

**16-4-123. Examinations of audit reports; violations; malfeasance by public officers and employees.**

(a) The director of the state department of audit shall monitor and may examine each audit to determine if the audit is in compliance with this act. The director shall have access to the working papers of the auditor. If the director determines an audit is not in compliance with this act, he shall notify the governing body of the municipality and the auditor submitting the audit report and in the case of a school district audit, the state department of education, by submitting to them a statement of deficiencies. If the deficiencies are not corrected within ninety (90) days from the date of the statement of deficiencies or within twelve (12) months after the end of the fiscal year of the municipality, whichever is later, the director shall proceed in the same manner as if no report had been filed.

(b) If the director of the state department of audit, in examining any audit report, finds an indication of violation of state law, he shall, after making an investigation as deemed necessary, consult with the attorney general, and if after investigation and consultation there is reason to believe there has been a violation of state law on the part of any person, the facts shall be certified to the attorney general who shall cause appropriate proceedings to be brought.

(c) If it appears an auditor has knowingly issued an audit report under the provisions of this act containing any false or misleading statement, the director of the state department of audit shall report the matter in writing to the Wyoming board of certified public accountants and to the municipality.

(d) Any member of the governing body or any member, officer, employee or agent of any department, board, commission or other agency who knowingly and willfully fails to perform any of the duties imposed upon him by this act, or who knowingly and willfully violates any of the provisions of this act, or who knowingly and willfully furnishes to the auditor or his employee any false or fraudulent information is guilty of malfeasance and, upon conviction thereof, the court shall enter judgment to remove the person from office or employment. It is the duty of the court rendering the judgment to cause immediate notice of removal from office or employment to be given to the proper officer of the municipality so the vacancy thus caused may be filled.

(e) The director of the state department of audit shall report willful violations of this act by any municipal officer to the attorney general for appropriate criminal and civil proceedings. The county or district attorney shall furnish assistance to the attorney general when requested.

**16-4-124. Payment of expenses to conventions or meetings; required specific appropriation; violation.**

It is unlawful for any board of county commissioners or any town or city council to allow or pay out of the county or city funds, any bill for expenses incurred by any county officer or representative of the county, or of any municipal officer, representative or employee incurred while attending any convention or meeting of any peace officers or other convention or meeting of officers, employees or representatives either within or without the state of Wyoming, unless the adopted budget for the city, town or county provides for the payment of actual expense of any officer while attending meetings or conventions within or without the state of Wyoming and then only after the city or town council or board of county commissioners, as the case may be, shall specifically appropriate for those purposes. Any person violating this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), imprisoned in the county jail for a period of not less than thirty (30) days, nor more than ninety (90) days, or both.

**16-4-125. Fiscal year for governmental entities; budget format for certain entities not subject to the Uniform Municipal Fiscal Procedures Act.**

(a) The fiscal year for all governmental entities within this state, no matter how formed, shall commence on July 1 in each year, except as otherwise specifically provided or authorized by law.

(b) Hospital districts organized under W.S. 35-2-401 through 35-2-438 and rural health care districts organized under W.S. 35-2-701 through 35-2-709 shall have until July 1, 2011 to commence the district fiscal year on July 1 of each year.

(c) Incorporated towns not subject to the Uniform Municipal Fiscal Procedures Act, special purpose districts having the authority under the general laws of Wyoming to levy taxes or impose assessments and public entities receiving funds from a municipality as defined by W.S. 16-4-102(a)(xiv), shall prepare budgets in a format acceptable to the director of the state department of audit.

**TITLE 16 - CITY, COUNTY, STATE AND LOCAL POWERS**

**CHAPTER 4 - UNIFORM MUNICIPAL FISCAL PROCEDURES; PUBLIC RECORDS, DOCUMENTS AND MEETINGS**

**ARTICLE 2 - PUBLIC RECORDS**

**16-4-201. Definitions.**

(a) As used in this act:

(i) "Custodian" means the official custodian or any authorized person having personal custody and control of the public records in question;

(ii) "Official custodian" means any officer or employee of the state or any agency, institution or political subdivision thereof, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(iii) "Person in interest" means the person who is the subject of a record or any representative designated by the person, except if the subject of the record is under legal disability or is the dependent high school student of his parents, "person in interest" means the parent or duly appointed legal representative;

(iv) "Political subdivision" means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state or any agency or subdivision thereof is a party; all fidelity, surety and performance bonds; all claims filed against the state or any agency or subdivision thereof; all records or documents required by law to be filed with or kept by any agency or the state of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any agency of the state or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda.

**16-4-202. Right of inspection; rules and regulations; unavailability.**

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the state entity or political subdivision, except as provided in this act or as otherwise provided by law, but the official custodian of any public records may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

**16-4-203. Right of inspection; grounds for denial; access of news media; order permitting or restricting disclosure; exceptions.**

(d) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law:

(xiv) Information concerning an agricultural operation, farming or conservation practice, or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of the state or any agency, institution or political subdivision of the state. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

(A) The custodian may allow the right of inspection when responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law;

(B) The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political subdivision of the state, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

**TITLE 16 - CRIMES AND OFFENSES**  
**CHAPTER 3 - OFFENSES AGAINST PROPERTY**  
**ARTICLE 4 - LARCENY AND RELATED OFFENSES**

**6-3-414. Trespassing to unlawfully collect resource data; unlawful collection of resource data.**

(a) A person is guilty of trespassing to unlawfully collect resource data if he:

(i) Enters onto open land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter or access the land to collect resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter or access the land to collect the specified resource data.

(b) A person is guilty of unlawfully collecting resource data if he enters onto private open land and collects resource data without:

(i) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter the private land to collect the specified resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter the land to collect the specified resource data.

(c) Trespassing to unlawfully collect resource data and unlawfully collecting resource data are punishable as follows:

(i) By imprisonment for not more than one (1) year, a fine of not more than one thousand dollars(\$1,000.00), or both;

(ii) By imprisonment for not less than ten (10) days nor more than one (1) year, a fine of not more than five thousand dollars(\$5,000.00), or both, if the person has previously been convicted of trespassing to unlawfully collect resource data or unlawfully collecting resource data.

(d) As used in this section:

(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form from open land which is submitted or intended to be submitted to any agency of the state or federal government;

(ii) "Open land" means land outside the exterior boundaries of any incorporated city, town, subdivision approved pursuant to W.S. 18-5-308 or development approved pursuant to W.S. 18-5-403;

(iii) "Peace officer" means as defined by W.S. 7-2-101;

(iv) "Resource data" means data relating to land or land use, including but not limited to data regarding agriculture, minerals, geology, history, cultural artifacts, archeology, air, water, soil, conservation, habitat, vegetation or animal species. "Resource data" does not include data:

(A) For surveying to determine property boundaries or the location of survey monuments;

(B) Used by a state or local governmental entity to assess property values;

(C) Collected or intended to be collected by a peace officer while engaged in the lawful performance of his official duties.

(e) No resource data collected in violation of this section is admissible in evidence in any civil, criminal or administrative proceeding, other than a prosecution for violation of this section or a civil action against the violator.

(f) Resource data collected in violation of this section in the possession of any governmental entity as defined by W.S. 1-39-103(a)(i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

**TITLE 40 - TRADE AND COMMERCE**  
**CHAPTER 26 - TRESPASS TO UNLAWFULLY COLLECT RESOURCE DATA**

**40-26-101. Trespass to unlawfully collect resource data; unlawful collection of resource data.**

(a) A person commits a civil trespass to unlawfully collect resource data if he:

(i) Enters onto open land for the purpose of collecting resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or statutory, contractual or other legal authorization to enter or access the land to collect resource data; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to enter or access the land to collect the specified resource data.

(b) A person commits a civil trespass of unlawfully collecting resource data if he enters onto private open land and collects resource data without:

(i) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter the private land to collect the specified resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter the land to collect the specified resource data.

(c) A person who trespasses to unlawfully collect resource data or a person who unlawfully collects resource data under this section shall be liable in a civil action by the owner or lessee of the land for all consequential and economic damages proximately caused by the trespass. In a civil action brought under this section, in addition to damages, a successful claimant shall be awarded litigation costs. For purposes of this subsection, "litigation costs" shall include, but is not limited to, court costs, expert witness fees, other witness fees, costs associated with depositions and discovery, reasonable attorney fees and the reasonably necessary costs of identifying the trespasser, of obtaining effective service of process on the trespasser and of successfully effecting the collection of any judgment against the trespasser.

(d) Resource data unlawfully collected under this section is not admissible in evidence in any civil, criminal or administrative proceeding, other than a civil action for trespassing under this section or a criminal prosecution for trespassing under W.S. 6-3-414.

(e) Resource data unlawfully collected under this section is not admissible in evidence in any civil, criminal or administrative proceeding, other than a civil action for trespassing under this section or a criminal prosecution for trespass.

(f) Resource data unlawfully collected under this section in the possession of any governmental entity as defined by W.S. 1-39-103(a) (i) shall be expunged by the entity from all files and data bases, and it shall not be considered in determining any agency action.

## **FEDERAL LAWS**

**Title: Noxious Weed Control and Eradication Act**

**Authority:** Public Law 108-412 (Oct 30, 2004); amends the Plant Protection Act

**Department/Agency:** U.S. Department of Agriculture

**Organisms:** Noxious weeds

**Provisions:**

(a) In General.--The Secretary shall establish a program to provide financial and technical assistance to control or eradicate noxious weeds.

(b) Grants.--Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

(c) Agreements.--Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

**Title: Salt Cedar and Russian Olive Control Demonstration Act**

**Authority:** Public Law 109-320 (Oct 11, 2006)

**Department/Agency:** U.S. Department of the Interior

**Organisms:** Salt Cedar and Russian Olive

**Provisions:**

Directs the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

**Title: Public Lands Corps Healthy Forests Restoration Act**

**Authority:** Public Law 109-154 (Dec 30, 2005); amends the Public Lands Corps Act of 1993

**Department/Agency:** N/A

**Organisms:** Forest insect or disease pests

**Pathways:**

**Provisions:**

(C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.

**Title:** §6006 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users  
**Authority:** Public Law 109-59 (Aug 10, 2005); implementing 23 U.S.C. § 329, a new provision of law added to Title 23 by §6006 of SAFETEA-LU  
**Department/Agency:** U.S. Department of Transportation, Federal Highway Administration  
**Organisms:** Terrestrial noxious weeds and aquatic weeds  
**Provisions:** Includes a provision that makes activities for the control of noxious weeds and the establishment of native species eligible for Federal-aid funds under the National Highway System (NHS) and the Surface Transportation System (STP). The control of terrestrial noxious weeds and aquatic weeds is commonly done by maintenance districts or contracted crews of each State department of transportation. Historically, maintenance activities have been the responsibility of the State and therefore have not been eligible for Federal-aid dollars.

**Title:** Public Health Security and Bioterrorism Preparedness and Response Act of 2002  
**Authority:** Public Law 107-188 (Jun 12, 2002)  
**Department/Agency:** U.S. Department of Agriculture, Animal and Plant Health Inspection Service  
**Organisms:** Invasive pests and pathogens affecting livestock  
**Provisions:** To improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

Ensuring coordination and minimizing duplication of Federal, State, and local planning, preparedness, and response activities, including during the investigation of a suspicious disease outbreak or other potential public health emergency.

**Title:** Plant Protection Act  
**Authority:** Public Law 106-224 (Jun 20, 2000); Replaces the Federal Noxious Weed Act and many other APHIS Plant Protection Authorities  
**Department/Agency:** U.S. Department of Agriculture, Animal and Plant Health Inspection Service  
**Organisms:** Plants and plant material and plant pests  
**Provisions:** Consolidates and modernizes all major statutes pertaining to plant protection and quarantine (Federal Noxious Weed Act, Plant Quarantine Act) Permit APHIS to address all types of weed issues

Increase maximum civil penalty for violation

Authorize APHIS to take both emergency and extraordinary emergency actions to address incursions of noxious weeds

**Title:** Executive Order 13112 (Feb 1999)  
**Authority:** N/A  
**Department/Agency:** All  
**Organisms:** N/A  
**Provisions:** Defines invasive species ("an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health")

Directs all federal agencies to:

- Address invasive species concerns
- Refrain from actions likely to increase invasive species problems

Creates interagency Invasive Species Council

Calls for National Invasive Species Management Plan to better coordinate federal agency efforts

**Title:** Alien Species Prevention and Enforcement Act (1992)  
**Authority:** Public Law 102-393 (Oct 6, 1992)  
**Department/Agency:** N/A  
**Organisms:** Plants and animals whose shipment is prohibited under 18 U.S.C. 42; 43, or the Lacey Act. Plants or plant matter whose shipment is prohibited under the Federal Plant Pest Act or Plant Quarantine Act  
**Provisions:** Makes illegal the shipment of certain categories of plants and animals through U.S. mail

**Title:** National Environmental Policy Act (1970)  
**Authority:** Public Law 91-190 (Jan 1, 1970)  
**Department/Agency:** All  
**Organisms:** Non-native species posing harm to the environment  
**Provisions:**  
Requires federal government agencies to consider the environmental effects of their actions through preparation of environmental impact statements- effects of non-native species, if harmful to the environment, must be included in the EIS

BUT

APHIS may approve and issue permits for importing nonindigenous species following preparation of an environmental assessment rather than an environmental impact statement-permits for importing nonindigenous species into containment facilities or interstate movement between containment facilities are excluded from NEPA requirements.

**Title:** Federal Insecticide, Fungicide, and Rodenticide Act (1947)  
**Authority:** 7 USC §136 et seq.  
**Department/Agency:** U.S. Environmental Protection Agency  
**Organisms:** Biological control agents  
**Provisions:**  
Gives EPA authority to regulate importation and distribution of substances, including organisms, that are intended to function as pesticides

**Title:** Federal Seed Act (1940; amended 1998)  
**Authority:** 7 USC §1551 et seq.  
**Department/Agency:** U.S. Department of Agriculture, Animal and Plant Health Inspection Service  
**Organisms:** Seeds  
**Provisions:**  
Requires accurate labeling and purity standards for seeds in commerce and prohibits importation and movement of adulterated or misbranded seeds.

**Title:** Animal Damage Control Act (1931)  
**Authority:** 7 USC §426  
**Department/Agency:** U.S. Department of Agriculture, Animal and Plant Health Inspection Service  
**Organisms:** Damaging pests  
**Provisions:**  
Gives APHIS authority to control wildlife damage on federal, state, or private land

Protects: field crops, vegetables, fruits, nuts, horticultural crops, commercial forests; freshwater aquaculture ponds and marine species cultivation areas; livestock on public and private range and in feedlots; public and private buildings and facilities; civilian and military aircraft; public health  
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**Title:** Carlson-Foley Act (1968)  
**Authority:** Title 43 USC §1241 (Public Law 90-583)  
**Department/Agency:** All  
**Organisms:** Noxious plants  
**Provisions:**  
To provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

## FEDERAL NOXIOUS WEED LIST

### Aquatic

| Latin Name  | Author(s)                | Common Name(s)                               |
|---|--------------------------|--|
| <i>Azolla pinnata</i>                               | R. Brown                 | Mosquito fern, water velvet                  |
| <i>Caulerpa taxifolia</i><br>(Mediterranean strain) | (Vahl) C. Agardh         | Killer algae                                 |
| <i>Eichhornia azurea</i>                            | (Swartz) Kunth           | Anchored waterhyacinth, rooted waterhyacinth |
| <i>Hydrilla verticillata</i>                        | (L.) Royle               | Hydrilla                                     |
| <i>Hygrophila polysperma</i>                        | T. Anderson              | Miramar weed                                 |
| <i>Ipomoea aquatica</i>                             | Forsskal                 | Water-spinach, swamp morning glory           |
| <i>Lagarosiphon major</i>                           | (Ridley) Moss            | African elodea                               |
| <i>Limnophila sessiliflora</i>                      | (Vahl) Blume             | Ambulia                                      |
| <i>Melaleuca quinquenervia</i>                      | (Cavanilles) S.T. Blake  | Broadleaf paper bark tree                    |
| <i>Monochoria hastata</i>                           | (Linnaeus) Solms-Laubach | Arrowleaf false pickerelweed                 |
| <i>Monochoria vaginalis</i>                         | (N.L. Burm.) K. Presl    | Heartshape false pickerelweed                |
| <i>Ottelia alismoides</i>                           | (L.) Pers.               | Duck lettuce                                 |
| <i>Sagittaria sagittifolia</i>                      | Linnaeus                 | Arrowhead                                    |
| <i>Salvinia auriculata</i>                          | Aublet                   | Giant salvinia                               |
| <i>Salvinia biloba</i>                              | Raddi                    | Giant salvinia                               |
| <i>Salvinia herzogii</i>                            | de la Sota               | Giant salvinia                               |
| <i>Salvinia molesta</i>                             | D.S. Mitchell            | Giant salvinia                               |
| <i>Solanum tampicense</i>                           | Dunal                    | Wetland nightshade                           |
| <i>Sparganium erectum</i>                           | Linnaeus                 | Exotic bur-reed                              |

### Parasitic

| Latin Name                                 | Author(s) | Common Name(s)    |
|--|-----------|-------------------|
| <i>Aeginetia</i> spp.                      | Linnaeus  | Varies by species |
| <i>Alectra</i> spp.                        | Thunb.    | Varies by species |
| <i>Cuscuta</i> spp. (except for natives)   | Linnaeus  | Dodders           |
| <i>Orobanche</i> spp. (except for natives) | Linnaeus  | Broomrapes        |
| <i>Striga</i> spp.                         | Lour.     | Witchweeds        |

## Terrestrial

| Latin Name                      | Author(s)                            | Common Name(s)                        |
|---------------------------------|--------------------------------------|---------------------------------------|
| <i>Acacia nilotica</i>          | (L.) Willd. ex Delile                | Prickly acacia                        |
| <i>Ageratina adenophora</i>     | (Sprengel) King & Robinson           | Crofton weed                          |
| <i>Ageratina riparia</i>        | (Regel) King & H. Rob.               | Mistflower, spreading snakeroot       |
| <i>Alternanthera sessilis</i>   | (L.) R. Brown ex de Candolle         | Sessile joyweed                       |
| <i>Arctotheca calendula</i>     | (L.) Levyns                          | Capeweed                              |
| <i>Asphodelus fistulosus</i>    | Linnaeus                             | Onionweed                             |
| <i>Avena sterilis</i>           | Durieu                               | Animated oat, wild oat                |
| <i>Carthamus oxyacantha</i>     | M. Bieberstein                       | Wild safflower                        |
| <i>Chrysopogon aciculatus</i>   | (Retzius) Trinius                    | Pilipiliula                           |
| <i>Commelina benghalensis</i>   | Linnaeus                             | Benghal dayflower                     |
| <i>Crupina vulgaris</i>         | Cassini                              | Common crupina                        |
| <i>Digitaria scalarum</i>       | (Schweinfiurth) Chiovenda            | African couchgrass, fingergrass       |
| <i>Digitaria velutina</i>       | (Forsskal) Palisot de Beauvois       | Velvet fingergrass, annual couchgrass |
| <i>Drymaria arenariodes</i>     | Humboldt & Bonpland ex J.A. Schultes | Lightning weed                        |
| <i>Emex australis</i>           | Steinheil                            | Three-corned jack                     |
| <i>Emex spinosa</i>             | Campdera                             | Devil's thorn                         |
| <i>Euphorbia terracina</i>      | Linnaeus                             | False caper, Geraldton carnation weed |
| <i>Galega officinalis</i>       | Linnaeus                             | Goatsrue                              |
| <i>Heracleum mantegazzianum</i> | Sommier & Levier                     | Giant hogweed                         |
| <i>Imperata brasiliensis</i>    | Trinius                              | Brazilian satintail                   |
| <i>Imperata cylindrica</i>      | (L.) Raeuschel                       | Cogongrass                            |
| <i>Inula britannica</i>         | Linnaeus                             | British yellowhead                    |
| <i>Ischaemum rugosum</i>        | Salisbury                            | Murainograss                          |
| <i>Leptochloa chinensis</i>     | (Linnaeus) Nees                      | Asian sprangletop                     |
| <i>Lycium ferocissimum</i>      | Miers                                | African boxthorn                      |
| <i>Lygodium flexuosum</i>       | (L.) Sw.                             | Maidenhair creeper                    |
| <i>Lygodium microphyllum</i>    | (Cav.) R. Br.                        | Old world climbing fern               |
| <i>Melastoma malabathricum</i>  | Linnaeus                             | Malabar melastome                     |
| <i>Mikania cordata</i>          | (Burman f.) B. L. Robinson           | Mile-a-minute                         |
| <i>Mikania micrantha</i>        | Kunth                                | Bittervine                            |
| <i>Mimosa invisa</i>            | Martius                              | Giant sensitive plant                 |
| <i>Mimosa pigra</i>             | Linnaeus                             | Catclaw mimosa                        |
| <i>Moraea collina</i>           | Thunberg                             | Cape tulip                            |
| <i>Moraea flaccida</i>          | (Sweet) Steudel                      | One leaf cape tulip                   |
| <i>Moraea miniata</i>           | Andrews                              | Two leaf cape tulip                   |
| <i>Moraea ochroleuca</i>        | (Salisbury) Drapiez                  | Apricot tulip                         |
| <i>Moraea pallida</i>           | (Baker) Goldblatt                    | Yellow tulip                          |
| <i>Nassella trichotoma</i>      | (Nees) Hackel ex Arechavaleta        | Serrated tussock                      |
| <i>Onopordum acaulon</i>        | Linnaeus                             | Stemless thistle                      |
| <i>Onopordum illyricum</i>      | Linnaeus                             | Illyricum thistle                     |
| <i>Opuntia aurantiaca</i>       | Lindley                              | Jointed prickly pear                  |
| <i>Oryza longistaminata</i>     | A. Chevalier & Roehrich              | Red rice                              |
| <i>Oryza punctata</i>           | Kotschy ex Steudel                   | Red rice                              |
| <i>Solanum viarum</i>           | Dunal                                | Tropical soda apple                   |
| <i>Spermocoe alata</i>          | Aublet                               | Winged false buttonweed               |
| <i>Tridax procumbens</i>        | Linnaeus                             | Coat buttons                          |
| <i>Urochloa panicoides</i>      | Beauvois                             | Liverseed grass                       |

**Wyoming Forage Certification Standards  
For Noxious Weed Free Forage  
[Feed, Hay Cubes, Pellets, Straw or Mulch]  
November 10, 2005**

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Forage (Feed, hay, cubes, pellets, straw or mulch) shall be free of noxious weeds or undesirable plant species pursuant to W.S. 11-5-102(a)(x) and the current Regional Weed Free Forage Weed List.

1. Forage shall be inspected in the state of origin by proper officials or authority.
2. Forage will be inspected to North American Weed Management Association (NAWMA) standards and the field may be rejected for any Wyoming designated or declared weeds.
3. Forage shall also be inspected in the field of origin (field shall include surrounding ditches, fence rows, roads, easement, right-of-way, or a buffer zone surrounding the field).
4. Field shall be inspected prior to cutting or harvesting by the proper officials or authority.
5. Forage that contains any weed species, as classified above, may be certified if the field upon which the forage was produced was treated to prevent the dissemination of viable plant parts.
6. Certificate shall document that the above requirements have been met (1...4) based upon a reasonable and prudent visual inspection.
7. Certified forage shall be accompanied by a transit certificate, certification tag, or appropriate official colored twine or wire. These articles shall be issued by proper officials or authority in the state of origin. Shipments into restricted areas not accompanied by one of these articles may be rejected.
8. Proper officials or authority:
  - a. In-State: 1) Representative from one of the Wyoming Weed and Pest Control Districts, or 2) Representative of the Wyoming State Department of Agriculture.
  - b. Out of State: 1) Representative of that State's Department of Agriculture, or 2) Weed Supervisor and Weed Superintendent, or 3) University Extension Agent, or 4) an individual designated by that state's law or regulations.
9. Processed feeds including pellets and pelleted milled feeds may be certified based on official testing completed annually by a state or federal seed lab for weed seed viability. Proof of results shall be submitted to the Wyoming State Department of Agriculture.
10. Special Exemptions:
  - c. Interstate: Special exemption to portions of the Certification Standards may be granted by the affected District, County, or State in consultation with the Wyoming State Department of Agriculture on a case by case basis.
  - d. Intrastate: Special exemption to portions of the Certification Standards may be granted by the affected District in consultation with the Intrastate District on a case by case basis.
11. Only the original or official Certificate of Inspection and Transit Certificate will be accepted in Wyoming.

For additional information, contact the Wyoming Weed and Pest Control District in your area or Wyoming Department of Agriculture (307) 777-6585 or 7321.

Approved by:

  
Michael Schwopce, President Wyoming Weed and Pest Council 5-10-06  
Date

  
John Echebarte, Director, Wyoming Department of Agriculture 5-22-06  
Date

  
Spencer Ellis, President, Wyoming Board of Agriculture 5-26-06  
Date

**NORTH AMERICAN INVASIVE SPECIES MANAGEMENT ASSOCIATION (NAISMA)  
NORTH AMERICAN WEED FREE FORAGE  
MINIMUM CERTIFICATION STANDARDS**

Revised 1/24/97, 9/16/97, 8/9/99, 10/30/02, 10/20/03, 9/21/04, 1/05/05, 10/18/06, 3/31/15

**INTRODUCTION**

There is a growing demand in North America for the use of certified weed free forage and mulch as a preventative program in integrated weed management systems to limit the spread of noxious weeds. The standards are designed

- to provide some assurance to all participants that forage certified through this program meets a minimum acceptable standard;
- to provide continuity between the various provinces and states in the program;
- to limit the spread of noxious weeds.

Participating jurisdictions may wish to add to these standards within their specific state or province, but must meet the minimum standards outlined in this document in order to be recognized by NAISMA. **Disclaimer: North American Forage Certification Standards may not meet the forage quality standards adopted by the Hay Marketing Task Force of the American Forage and Grassland Council.**

**DEFINITIONS** Revised 1/24/97, 10/30/02, 5/15/08, 3/31/15

Certification Markings

Tags, purple and yellow colored twine, and galvanized wire.

Cubed hay

Harvested with equipment which forms the hay into small compact self-binding units. These are not considered pellets as defined in this document, and therefore the field of origin must be certified.

Designated authority

- Representative of that state or province's department of agriculture
- Manager of a state, provincial, or local government responsible for managing legislated weed species within their jurisdiction (ex: Weed Supervisor, Weed Superintendent, Ag. Fieldman)
- University Extension Agent
- An individual designated as an inspector under that state or province's weed control legislation. This individual must be trained and certified in accordance with the state/provincial standard operating procedures for weed inspection as well as NAISMA's weed free forage standards.

Forage (hay, straw, mulch)

Any crop, including alfalfa, grass, small grains, straw, and similar crops and commodities, that is grown, harvested, and sold for livestock forage, bedding material, or mulch or related uses and the byproducts of those crops or commodities that have been processed into pellets, cubes, or related products.

Noxious Weeds

Those plant species, including any weed seed or propagative plant parts, designated by the North American Weed Free Forage Committee in Appendix A, as well as weeds listed under weed control legislation within the state or province of the forage's origin.

Pellets

Agglomerated feed formed by compacting and forcing through die openings by a mechanical process. If heat is not used in the process, the field of origin must be certified.

Propagules

Any part of a plant capable of enabling it to reproduce (may include seeds, roots, and/or stolons).

**NAISMA MINIMUM WEED FREE FORAGE STANDARDS (revised 3/31/15)**

- Forage shall be free of noxious weeds as defined in these minimum standards.
- Forage shall be inspected in the state/province of origin by the designated authority.
- Forage shall also be inspected in the field of origin by the designated authority per Appendix E.
- Forage which contains any noxious weeds may still be certified if the field upon which the forage was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the designated authority.
- Pellets as defined in these standards may also be certified if they are declared free of viable noxious weed seeds or other propagules by a test conducted by a state/provincial seed testing laboratory approved by the designated authority.
- Cubed hay as defined in these standards may also be certified if field of origin has been certified by the designated authority according to these standards.
- An Inspection Certificate as per Appendix B shall document the above requirements are met.
- Interstate shipment of NAISMA Certified Weed Free Forage shall be accompanied by NAISMA Certification Marking as outlined in Appendix D, and an original printed or digital copy of the Transit Certificate issued by the designated authority as outlined in Appendix C.

**List of Appendices Referenced Above  
Follow On Subsequent Pages**

- Appendix A: North American Designated Noxious Weed List and Procedures for Amendment**
- Appendix B: Inspection Certificate Standards**
- Appendix C: Transit Certificate Standards**
- Appendix D: Certification Markings**
- Appendix E: Field Inspection Standards**

**Appendix A: North American Designated Noxious Weed**

Revised: 1/24/97, 4/20/97, 9/16/97, 10/30/02, 10/05/05, 10/09/09, 3/31/15

Absinth wormwood (*Artemisia absinthium*)

**Amur lily (*Lilium auratum*)**

**Bermudagrass (*Cynodon dactylon*)**

Buffalobur (*Solanum rostratum*)

Canada thistle (*Cirsium arvense*)

**Common burdock (*Arctium minus*)**

**Common crupina (*Crupina vulgaris*)**

**Common tansy (*Tanacetum vulgare*)**

Orange hawkweed (*Hieracium aurantiacum*)

Oxeye daisy (*Chrysanthemum leucanthemum*)

Perennial pepperweed (*Lepidium latifolium*)

**Perennial sorghum (*Sorghum almum*)**

Perennial southistle (*Sonchus arvensis*)

Plumeless thistle (*Carduus acanthoides*)

Poison hemlock (*Conium maculatum*)

Puncturevine (*Tribulus terrestris*)

Purple loosestrife (*Lythrum salicaria*)

**Quackgrass (*Agropyron repens*)**

Rush skeletonweed (*Chondrilla juncea*)

Russian knapweed (*Centaurea repens*)

Scentless chamomile (*Matricaria perforata* or *M. milaceum*)

**Scotch broom (*Cytisus scoparius*)**

Scotch thistle (*Onopordum acanthium*)

Sericea Lespedeza (*Lespedeza cuneata*)

**Silverleaf nightshade (*Solanum elaeagnifolium*)**

**Skeletonleaf bursage (*Ambrosia tomentosa*)**

Spotted knapweed (*Centaurea maculosa*)

Squarrose knapweed (*Centaurea virgata*)

St. Johnswort (*Hypericum perforatum*)

Sulfur cinquefoil (*Potentilla recta*)

**Syrian bean-caper (*Zygophyllum fabago*)**

**Tansy ragwort (*Senecio jacobaea*)**

**Toothed spurge (*Euphorbia dentata*)**

**Toothed spurge (*Euphorbia dentata*)**

**Toothed spurge (*Euphorbia dentata*)**

**Wild oats (*Avena fatua*)**

Wild proso millet (*Panicum miliaceum*)

Yellow hawkweed (*Hieracium pratense*)

Yellow starthistle (*Centaurea solstitialis*)

Yellow toadflax (*Linaria vulgaris*)

**Procedure for species considered for addition or deletion to Appendix A: North American Designated Noxious Weed List.**

1. Petition must be sent to the NAISMA Weed Free Forage (WFF) Committee from a designated authority as defined in these standards formally requesting a species be added or removed from listing to Appendix A: North American Designated Noxious Weed List.
2. Petition shall contain a risk assessment of species proposed to be added with information on its potential and/or actual impacts to natural resources at a state/provincial and/or regional level.
3. Petition shall contain a risk assessment of species proposed for deletion with information on why the species is no longer considered a potential and/or actual threat to natural resources at a state/provincial and/or regional level.
4. Petitioner shall send the formal petition to add or delete a species to the NAISMA WFF Committee Chair at least 90 days before the committee meets at NAISMA's Annual General Meeting (AGM), generally held annually in September.
5. NAISMA WFF Committee Chair will send the petition to committee members at least 60 days in advance of NAISMA's AGM.
6. NAISMA WFF Committee will formulate a recommendation to support or deny the petition to the NAISMA Board of Directors (BOD) for their consideration prior to NAISMA's AGM.
7. If the NAISMA BOD supports the Weed Free Forage Committee recommendation on the petition, it will be presented at NAISMA's AGM for approval/rejection by NAISMA's membership.
8. Appendix A will be modified as necessary after the above procedures have been carried out.

## **Appendix B: Inspection Certificate Standards** Revised 1/24/97, 10/30/02, 3/31/15

### **Certificate of Inspection Minimum Requirements:**

- State/provincial/local designated authority contact information.
- Inspection Certificate numbering system.
- Forage producer contact information.
- Legal description of property being inspected.
- Number of acres or hectares inspected.
- Size of package or bale.
- Number or tonnage of bales or packages.
- Type of forage.
- **"Meets North American Standards"** statement.
- Inspection date.
- Designated authority's inspector signature.
- Comments section.

## **Appendix C: Transit Certificate Standards** Revised 1/24/97, 10/20/03, 3/31/15

### **Transit Certificate Minimum Requirements:**

- State/provincial/local designated authority contact information.
- Transit Certificate numbering system.
- Transporter contact information.
- Consignee contact information.
- Specific destination.
- Reference to Inspection Certification Number (Appendix B)
- Type of Certification Marking used (Appendix D)
- Size of package or bale.
- Number or tonnage of bales or packages.
- Type of forage.
- Issue date.
- Issuer signature, title, and contact information.
- Comments section
- **"Only Original Print / Digital Copy Approved By Designated Authority Accepted"** Statement

## **Appendix D: Certification Marking** Revised 1/24/97, 10/30/02, 10/20/03, 5/15/08, 3/31/15

- Special purple and yellow colored twine as approved by NAWMA.
- Galvanized baling wire.
- Forage Tag Minimum Requirements:
  - The words **"North American Weed Free Forage Certification Program"**.
  - A number system (for tracking purposes).
  - State or Province of issue.
  - State or Province contact information (designated authority).
  - **A statement that the product is "Certified to the North American Standards"**.

## **Appendix E: Field Inspection Standards** - Revised 1/24/97, 3/31/15

### **Minimum Guidelines for Field Inspections:**

- Fields shall be inspected within a maximum of 7 days prior to cutting / harvesting
- Fields must be inspected again if circumstances prevent harvest of the forage for a period greater than 7 days from the first inspection.
- There shall be a minimum of two entry points per field.
- There shall be a minimum of one entry point per each 10 acres.
- Each point of entry shall be at least 150 feet into the field, and each additional 150 feet traveled shall constitute an entry point.
- Travel shall be uninterrupted, proceeding through the field being inspected.
- Field border shall be inspected, including surrounding ditches, fence rows, roads, easements, rights-of-way, and/or a buffer zone surrounding field as determined by the designated authority.
- The storage area for the forage shall also be inspected and meet these standards.
- An inspector may not inspect fields of which said inspector has ownership or financial interest.

**For Additional Information, Please Contact**  
**The North American Invasive Species Management Association (NAISMA)**  
**Via Our Website:**  
**[www.naisma.org](http://www.naisma.org)**