

HOUSE BILL NO. HB0038

Weed and pest amendments.

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

A BILL

for

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

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

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

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

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

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

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

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

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12 (ii) That the landowner or occupant has denied
13 access to the inspector; and

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15 (iii) A general description of the location of
16 the affected land.

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

1 costs, schedules and deadlines by which stages of control
2 shall be completed.

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4 (c) The district board shall deliver, by certified
5 mail, to the address of the landowner appearing on the most
6 recent tax ~~roles~~rolls of the district all of the
7 following:

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9 (ii) A statement of the cost of fulfilling the
10 requirements that will be imposed on the landowner; and

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12 (e) A landowner who is responsible for an infestation
13 and fails or refuses to perform the remedial requirements
14 for the control of the weed or pest on the infested area
15 within the time designated in the district board's
16 resolution may be fined not more than fifty dollars
17 (\$50.00) per day for each day of violation and not more
18 than a total of two thousand five hundred dollars
19 (\$2,500.00) per year as determined by the court. Any person
20 accused under this act is entitled to a trial by jury. The
21 accumulated fines under this section are a lien against the
22 property of the landowner from the day notice is delivered
23 to the landowner by the district board. All fines shall be

1 deposited with the county treasurer and credited to the
2 county school fund.

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

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(END)