

ENROLLED ACT NO. 92, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to weed and pest control; amending provisions related to inspections and remediation of weed and pest infestations; repealing a related provision; and providing for an effective date.

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

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

**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 a landowner's property is infested by weeds or pests which are liable to spread and contribute to the injury or detriment of others and the board has provided written notice of probable cause to the landowner, it shall make or have made an investigation inspection 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. No entry upon any premises, lands or places shall be permitted under this subsection until the landowner or occupant has been notified by certified mail and, if the landowner has consented to receive notices electronically, by electronic means that provide actual notice to the landowner or occupant that the inspection is~~

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pending at least fifteen (15) days prior to the inspection. If possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant. If, after receiving notice that an inspection is pending, the landowner or occupant denies access to the district supervisor or the supervisor's designee, the supervisor may seek an administrative inspection warrant issued by a municipal, circuit or district court having jurisdiction over the land. No landowner shall deny access to land when presented with an administrative inspection warrant issued by a court. The court shall issue an administrative inspection warrant upon presentation by the district board, through its agent or employee, of an affidavit stating:

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

(ii) That the landowner or occupant has denied access to the district supervisor or the supervisor's designee or has not responded within fifteen (15) days of receiving notice; and

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

(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~~resolution may set forth minimum remedial requirements for control of the infested area, provided that:

(i) The remedial requirements are likely to be effective in controlling an infestation of the species in question at the infested area;

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(ii) The board includes potential estimated costs if available;

(iii) The benefits, both economic and environmental, exceed the estimated costs of the remedial requirements;

(iv) The board may assist the landowner in developing an integrated pest management plan for the species in question; and

(v) The landowner may propose alternate remedial requirements.

(c) The district board shall deliver, by certified mail, to the address of the landowner appearing on the most recent tax ~~roles~~rolls of the district and, if the landowner has consented to receive notices electronically, by electronic means that provide actual notice to the landowner all of the following:

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

(d) At the request of the landowner, the district board shall hold a hearing in accordance with the Wyoming Administrative Procedure Act. The landowner may appeal the board's resolution to the district court.

(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 in the district board's resolution may be fined not more than fifty dollars (\$50.00) per day for each day of violation and not more

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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.

**Section 2.** W.S. 11-5-109(c)(iii) is repealed.

**Section 3.** This act is effective July 1, 2020.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk