

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Invasive plant species.

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

A BILL

for

1 AN ACT relating to agriculture; creating duties for the
2 Wyoming weed and pest council related to the management and
3 control of invasive species; implementing recommendations
4 from the Governor's Invasive Species Initiative; providing
5 rulemaking authority; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 11-5-120 is created to read:

10

11 **11-5-120. Wyoming weed and pest council duties.**

12

1 (a) In addition to other duties prescribed by law,
2 the Wyoming weed and pest council shall provide support to
3 county weed and pest control districts by creating,
4 managing and enhancing a coordinated and comprehensive
5 invasive plant species control programs by:

6

7 (i) Developing and implementing data systems to
8 support each district in making invasive plant species
9 control decisions informed by accurate, timely data, local
10 experts, cultural practices and best available science;

11

12 (ii) Assessing the impacts that invasive plant
13 species can have on socio-ecological systems. As used in
14 this paragraph, "socio-ecological system" means a dynamic
15 system encompassing interactions between people and nature
16 within a defined geographical area;

17

18 (iii) Using the University of Wyoming, community
19 colleges and government agencies to support and expand
20 outreach and provide applied research on the best use of
21 existing tools to control invasive plant species and the
22 development of new invasive plant species management
23 methods;

1

2 (iv) Working with federal partners to reduce
3 barriers to timely, effective invasive plant species
4 management on federal lands and adjoining non-federal
5 lands;

6

7 (v) Evaluating, considering and making
8 recommendations to the joint agriculture, state and public
9 lands and water resources committee for revising the
10 current funding model for invasive plant species management
11 in Wyoming;

12

13 (vi) Encouraging and incentivizing cooperative,
14 landscape-scale projects to control invasive plant species
15 that include multi-jurisdictional partnerships with clear,
16 long-term strategies;

17

18 (vii) Coordinating with other state agencies to
19 increase public awareness of the challenges presented by
20 invasive plant species and to encourage prevention and
21 mitigation practices.

22

1 (b) The Wyoming weed and pest council may, with the
2 approval of the majority of the board, adopt and publish
3 rules in accordance with the Wyoming Administrative
4 Procedure Act, W.S. 16-3-101 et seq. to carry out the
5 purposes of this act.

6

7 **Section 2.** W.S. 11-5-102(a)(xxiv) and 11-5-105(a) by
8 creating a new paragraph (ix) are amended to read:

9

10 **11-5-102. Definitions.**

11

12 (a) As used in this act:

13

14 (xxiv) "This act" means W.S. 11-5-101 through
15 ~~11-5-119~~ 11-5-120.

16

17 **11-5-105. Duties; powers; supervisor compensation.**

18

19 (a) The district board shall:

20

21 (ix) Share data with the Wyoming weed and pest
22 council and take other actions to support the coordinated

1 and comprehensive invasive plant species control authorized
2 in W.S. 11-5-120.

3
4 Section 3. W.S. 11-5-303(b) is repealed.

5
6 *****

7 STAFF COMMENT

8 The italicized language would be repealed by Section 3 of
9 this act:

10
11 11-5-303. Program components; funding; rulemaking
12 authority; penalties.

13
14 (a) Any district may carry out a weed and pest
15 special management program in accordance with this article.
16 If a district initiates a program, leafy spurge (*Euphorbia*
17 *esula*) shall receive priority in the program. A district
18 may also implement an integrated management system under
19 W.S. 11-5-101 through 11-5-119 using funds specified by
20 W.S. 11-5-111, provided leafy spurge shall receive priority
21 pursuant to this article.

22
23 (b) Pursuant to this article a district may implement
24 an integrated management system on two (2) undesirable
25 plants or on two (2) pests or a combination of one (1)
26 undesirable plant and one (1) pest but under no
27 circumstance shall the program exceed a total of two (2).

28
29 (c) Any district which implements a special
30 management program under this article shall:

31
32 (i) Establish one (1) or more management zones
33 within the district. A management zone can only be formed
34 with the written consent of a majority of the landowners in
35 the proposed management zone;

36
37 (ii) Complete an inventory on lands within each
38 management zone to determine the scope of infestation;

39

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

3
4 (iv) Select the materials and methods for the
5 special management program based upon best available
6 scientific facts, current technology and economic
7 considerations;

8
9 (v) At least ten (10) days before final approval
10 of the program by the district supervisors, publish notice
11 in at least one (1) newspaper of general circulation within
12 the county describing the special management program,
13 listing the participating landowners and stating the
14 approximate cost of the program.

15
16 (d) Programs under this article shall be funded as
17 follows:

18
19 (i) Landowners shall contribute to the cost of
20 the treatment program on their land as determined by the
21 district board not to exceed twenty percent (20%) of the
22 total cost;

23
24 (ii) The district shall contribute to the cost
25 of the treatment program within the limitation of district
26 funds available under subsection (e) of this section;

27
28 (iii) State or federal agencies owning lands or
29 administering lands, which are untaxed for the purposes of
30 this act, shall contribute the total cost of the treatment
31 program on those lands;

32
33 (iv) Assistance to a district's coordinated
34 program may be provided by legislative appropriation
35 pursuant to W.S. 11-5-113(b).

36
37 (e) A district may levy not to exceed an additional
38 one (1) mill on the assessed value of the taxable property
39 within the district to fund its contributions under this
40 section. Upon request by the district board, the board of
41 county commissioners may levy the amount of tax requested
42 not to exceed the mill levy authorized by W.S. 11-5-111 and
43 this subsection.
44

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

5
6 (g) The state board of agriculture may:

7
8 (i) Adopt rules and regulations as provided by
9 W.S. 11-5-119 to implement an effective special management
10 program in Wyoming; and

11
12 (ii) Establish procedures for prompt reporting
13 and billing of expenditures made and for timely forecasting
14 of future expenditures which will be required.

15 *****
16

17 **Section 4.** Not later than July 1, 2021, the Wyoming
18 weed and pest council may promulgate rules as necessary to
19 implement this act.

20

21 **Section 5.**

22

23 (a) Except as provided in subsection (b) of this
24 section, this act is effective July 1, 2021.

25

26 (b) Sections 4 and 5 of this act are effective
27 immediately upon completion of all acts necessary for a
28 bill to become law as provided by Article 4, Section 8 of
29 the Wyoming Constitution.

30

2021

STATE OF WYOMING

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(END)