

HB0038JC001

(TO ENGROSSED COPY)

Delete the following Senate amendments:

HB0038SS001/AE

HB0038S2001/AE

HB0038S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 7 After "W.S." insert "11-5-108(b)";
 after "(ii)" insert ", (d)".

Page 1-after line 8 Insert:

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

(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.~~".

Page 1-line 13 After "Whenever the" strike balance of
 line.

Page 1-line 14 Strike "believe" and insert "board of
county commissioners believes".

Page 2-line 2 Delete entirely and insert "board of
county commissioners have provided
written notice to the".

Page 2-line 14 Delete all new language.

Page 2-lines 15 through 23 Delete entirely.

Page 3-lines 1 through 18 Delete entirely and insert:

"The following procedure shall apply for entry upon any
property suspected to be infested:

(i) The board of county commissioners shall issue an order declaring a suspected infestation by weeds or pests and authorizing entry onto the infested property for inspection. The order shall state with specificity the nature of the suspected infestation and the reasons why inspection is necessary. The order shall be in writing, provided to the landowner or occupant and filed with a court of competent jurisdiction in the county in which the property is located. A copy of the order shall be served in accordance with the Wyoming Rules of Civil Procedure upon the landowner or occupant with a written notice that the order has been filed and shall remain in force unless the landowner or occupant files his objections or answer with the court within twenty (20) days. A copy of the order shall be posted in a conspicuous place upon the property;

(ii) Within twenty (20) days of service of an order issued under paragraph (i) of this subsection, the landowner or occupant may file with the court and serve upon the board of county commissioners issuing the order, an answer denying the existence of any of the allegations in the order. If no answer is filed and served, the order shall become a final order declaring the property to be infested and the board of county commissioners shall fix a time when the property can be entered for inspection. If an answer is filed and served, the court shall hear and determine the issues raised as set forth in paragraph (iii) of this subsection;

(iii) The court shall hold a hearing within twenty (20) days from the date of the filing of the answer. If the court sustains all or any part of the order, the court shall issue a final order and fix a time within which inspection of the property shall take place;

(iv) An appeal from the judgment or final order of the court may be taken by any party to the proceeding in accordance with the Wyoming Rules of Appellate Procedure;

(v) Notwithstanding this subsection and upon application by the board of county commissioners, a court of competent jurisdiction in the county in which the property is located may issue an ex parte order authorizing entry onto the property for an emergency inspection when necessary to ensure the public health, safety and welfare;

(vi) No person shall deny or cause to deny entry onto the property for inspection in violation of a final order

issued pursuant to this subsection. Any order issued under this subsection is enforceable, in addition to other remedies provided by law, by injunction, mandamus or abatement. Any person who fails to comply with a final order shall be assessed a civil penalty of up to one hundred dollars (\$100.00) per day for each day the violation continues."

Page 3-line 21 Strike "district board" and insert "county commissioners".

Page 3-line 22 Strike "its members" and insert "the commissioners"; strike "district".

Page 3-line 23 After "board" insert "of county commissioners".

Page 4-line 6 Strike "district"; after "board" insert "of county commissioners".

Page 4-line 14 Delete "district board policy" and insert "the board of county commissioners".

Page 4-after line 14 Insert:

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

Page 4-line 19 Delete "district board's" and insert "the board of county commissioners'".

Page 5-line 4 Strike "district"; after "board" insert "of county commissioners".

HUNT, GREEAR, OLSEN, BONER, BITEMAN, NETHERCOTT