

1 Page 1-line 13 Strike "has probable cause to".

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3 Page 1-line 14 Strike "believe" and insert "believes by a  
4 preponderance of the evidence".

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6 Page 2-line 2 Delete "of probable cause".

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8 Page 2-line 14 After stricken "entry." delete all new  
9 language.

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11 Page 2-lines 15 through 23 Delete entirely including the  
12 Senate standing committee amendment  
13 (HB0038SS001/AE) to these lines.

14  
15 Page 3-lines 1 through 18 Delete entirely including the  
16 Senate standing committee amendment  
17 (HB0038SS001/AE) to these lines and  
18 insert:

19  
20 "The following procedure shall apply for entry upon any property  
21 suspected to be infested:

22  
23 (i) The district board shall issue an order declaring a  
24 suspected infestation by weeds or pests and authorizing entry onto  
25 the infested property for inspection. The order shall state with  
26 specificity the nature of the suspected infestation and the reasons  
27 why inspection is necessary. The order shall be in writing,  
28 provided to the landowner or occupant and filed in the office of  
29 the clerk of the district court of the county in which the property  
30 is located. A copy of the order shall be served in accordance with  
31 the Wyoming Rules of Civil Procedure upon the landowner or occupant  
32 with a written notice that the order has been filed and shall  
33 remain in force unless the landowner or occupant files his  
34 objections or answer with the clerk of the district court within  
35 twenty (20) days. A copy of the order shall be posted in a  
36 conspicuous place upon the property;

37  
38 (ii) Within twenty (20) days of service of an order  
39 issued under paragraph (i) of this subsection, the landowner or  
40 occupant may file with the clerk of the district court and serve  
41 upon the district board issuing the order, an answer denying the  
42 existence of any of the allegations in the order. If no answer is  
43 filed and served, the order shall become a final order declaring  
44 the property to be infested and the district board shall fix a

1 time when the property can be entered for inspection. If an answer  
2 is filed and served, the district court shall hear and determine  
3 the issues raised as set forth in paragraph (iii) of this  
4 subsection;

5  
6 (iii) The district court shall hold a hearing within  
7 twenty (20) days from the date of the filing of the answer. If the  
8 court sustains all or any part of the order, the court shall issue  
9 a final order and fix a time within which inspection of the  
10 property shall take place;

11  
12 (iv) An appeal from the judgment or final order of the  
13 district court may be taken by any party to the proceeding in  
14 accordance with the Wyoming Rules of Appellate Procedure;

15  
16 (v) Notwithstanding this subsection and upon application  
17 by the district board, the district court of the county in which  
18 the property is located may issue an ex parte order authorizing  
19 entry onto the property for an emergency inspection when necessary  
20 to ensure the public health, safety and welfare;

21  
22 (vi) No person shall deny or cause to deny entry onto  
23 the property for inspection in violation of a final order issued  
24 pursuant to this subsection. Any order issued under this subsection  
25 is enforceable, in addition to other remedies provided by law, by  
26 injunction, mandamus or abatement. Any person who fails to comply  
27 with a final order shall be assessed a civil penalty of up to one  
28 hundred dollars (\$100.00) per day for each day the violation  
29 continues.". NETHERCOTT, STEINMETZ