

ENROLLED ACT NO. 64, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to public lands; providing for enforcement for misuse of state lands; providing penalties; and providing for an effective date.

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

Section 1. W.S. 36-1-112(b), 36-2-107 and 36-9-117 are amended to read:

36-1-112. Cutting of timber by lessee of state lands prohibited; general penalty for violations; damages.

(b) Removal of forest products from state lands is permitted only under a valid contract or small sale permit. ~~Unauthorized removal of forest products shall be subject to the following penalties:~~

~~(i) Provided settlement is negotiated between the person responsible for unauthorized removal and the director of state lands, subject to the approval of the board of land commissioners, the penalty shall be determined as the bid value of the most recent auction of similar species and product, or the appraised value, whichever is greater, plus ten percent (10%) premium, together with actual restoration and administrative costs;~~

~~(ii) If settlement is not negotiated and legal action is initiated, the state shall seek two (2) Any person who knowingly or with reckless disregard removes forest products from state lands without proper authorization is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both. In addition to these penalties, a person removing forest products from state lands without proper authorization is~~

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liable for damages up to the amount of three (3) times the bid value of the most recent auction of similar species and product, or the appraised value whichever is greater, plus actual restoration and administrative costs.

36-2-107. Rules and regulations; general penalty for violations; enforcement.

(a) The board shall have the power and authority to promulgate and adopt rules and regulations not inconsistent with the laws of the state, as it may from time to time deem necessary in the direction, control, disposition and care of all state lands, and to preserve the value of the land and to recognize the fiduciary duties of the state land office.

(b) Any person who knowingly violates any provision of this subsection is guilty of a misdemeanor and shall be fined not more than seven hundred fifty dollars (\$750.00), imprisoned for not more than six (6) months, or both. The acts prohibited under this subsection are:

(i) Damaging state lands under circumstances not a violation of W.S. 6-3-201;

(ii) Using a motor vehicle on state lands off an established road as defined by the board or on a road closed by the board;

(iii) Charging for or receiving payment for purposes of allowing persons to engage in hunting, fishing or any other recreational use of state lands, unless the payment is collected pursuant to a lease or temporary use permit issued by the state;

(iv) Building, maintaining, using or attending

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an open fire, campfire or charcoal grill on state land except in areas established by the board; and

(v) Camping overnight on state land except in areas established by the board.

(c) Any peace officer as defined in W.S. 7-2-101 shall have the authority to enforce this section on state lands. Any game and fish department law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 shall have authority to enforce this section to the extent that there is no diminishment in federal funds provided for under W.S. 23-1-601 and 23-1-602.

36-9-117. Institution of actions.

All civil suits or actions brought under the provisions of this act shall be instituted by the board, in the name of the people of the state of Wyoming.

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Section 2. This act is effective July 1, 2006.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk