

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Board of outfitters-authority.

Sponsored by: Joint Travel, Recreation, Wildlife and Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming board of outfitters;  
2 limiting terms of board members; clarifying the board's  
3 authority to investigate and issue citations; providing for  
4 increased penalties and forfeiture; prohibiting the lease  
5 of lands for hunting to unlicensed outfitters; repealing  
6 restriction on board investigators entering private  
7 property without a warrant; and providing for an effective  
8 date.

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

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12 **Section 1.** W.S. 23-2-408(b), 23-2-410(c)(iii), by  
13 creating a new paragraph (vii) and (d), 23-2-417(a), by  
14 creating a new subsection (c) and 23-2-418(b) are amended  
15 to read:

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2           **23-2-408. Wyoming state board of outfitters and**  
3 **professional guides; membership; meetings; per diem and**  
4 **travel expenses.**

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6           (b) Appointed members shall be appointed by the  
7 governor with the advice and consent of the senate in  
8 accordance with W.S. 28-12-101 through 28-12-103 and may be  
9 removed by the governor as provided by W.S. 9-1-202. Not  
10 more than four (4) members of the board shall be of the  
11 same political party. Except as otherwise provided for  
12 initial appointees, the term of an appointed member shall  
13 be three (3) years. After July 1, 2006, no appointed  
14 member shall serve more than one (1) term on the board.

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16           **23-2-410. Powers and duties of board; generally;**  
17 **employees; licensing and regulation; issuance of citations.**

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19           (c) The board shall license and regulate outfitters  
20 and professional guides in this state and shall:

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22           (iii) Conduct hearings upon complaints received  
23 relative to ~~licensees~~ outfitters and professional guides;

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1           (vii) Investigate unlicensed outfitters and  
2 professional guides for violations of this act.

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4           **\*\* STAFF COMMENT - References to "this act"**  
5           **refer only to 23-2-406 through 23-2-418 (the**  
6           **outfitter licensing statutes) and do not include**  
7           **violations of the game and fish code. \*\***

8  
9           ~~(d) Unless a court issues a search warrant based on~~  
10 ~~probable cause that a private property owner is engaged in~~  
11 ~~illegal outfitting activities, investigators of the board~~  
12 ~~shall not enter onto private property without express~~  
13 ~~permission from the property owner.~~ The board shall not  
14 require private landowners to sign an authorization form  
15 for outfitters licensed by the board to enter lands owned  
16 by the person.

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18           **23-2-417. Violations in general; penalties;**  
19 **forfeiture.**

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21           (a) Any person violating any provision of this act is  
22 guilty of a misdemeanor punishable by a fine of not to  
23 exceed two thousand dollars (\$2,000.00), imprisonment for  
24 not more than one (1) year, or both. On a second or

1 subsequent conviction within five (5) years for a violation  
2 of any provision of this act, he shall be guilty of a  
3 felony and fined not more than ten thousand dollars  
4 (\$10,000.00), punished by imprisonment for not more than  
5 ten (10) years, or both.

6  
7 (c) Devices and equipment, including any firearm,  
8 weapon, ammunition, trap, snare, vessel, motorized vehicle,  
9 aircraft, explosive, poisonous substance, electronic device  
10 or optical equipment, used in, or in aid of, a violation of  
11 any provision of this act may be seized by any law  
12 enforcement officer of the state after hearing and upon  
13 order issued by the court of original jurisdiction when the  
14 value of the devices or equipment is one thousand dollars  
15 (\$1,000.00) or less or by the district court for the county  
16 in which the offense was charged when the value of the  
17 devices or equipment is more than one thousand dollars  
18 (\$1,000.00). Any device or equipment seized under this  
19 section shall be forfeited to the state in accordance with  
20 W.S. 7-2-105, provided the device or equipment is not  
21 subject to forfeiture under this section by reason of the  
22 unlawful act being committed without the knowledge or  
23 consent of the owner. A device or equipment seized under  
24 this section shall not be forfeited as provided under this

1 section until after the person has been convicted and the  
2 time for appeal has expired.

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4       **23-2-418. Compensation of person not licensed under**  
5 **this act prohibited; lease to person not licensed under**  
6 **this act prohibited; penalty.**

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8       (b) No person shall directly or indirectly lease his  
9 property to a person holding himself out as engaging in the  
10 business of or acting in the capacity of an outfitter or a  
11 professional guide unless that person provides proof that  
12 he is a licensed outfitter or professional guide as  
13 required by this act.

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15       ~~(b)~~(c) Any person violating this section is guilty of  
16 a misdemeanor as prescribed under W.S. 23-2-417(a).

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18       **Section 2.** Nothing in this act shall affect the  
19 current term of office of any board member holding office  
20 at the time of passage of this act. No term or portion of  
21 a term served by a board member prior to July 1, 2006 shall  
22 be considered for purposes of the restriction on term  
23 limits under W.S. 23-2-408.

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1       **Section 3.** This act is effective July 1, 2006.

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(END)