

SENATE FILE NO. SF0008

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 providing definitions; limiting terms of board members;
3 clarifying the board's authority to investigate and issue
4 citations; providing for forfeiture; prohibiting the lease
5 of lands for hunting to unlicensed outfitters; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 23-2-406(a), 23-2-407(a),
11 23-2-408(b), 23-2-410(c) by creating a new paragraph
12 (vii), 23-2-417 by creating a new subsection (c) and
13 23-2-418 by creating a new subsection (b) and by
14 renumbering (b) as (c) are amended to read:

15

16 **23-2-406. Definitions.**

1

2 (a) As used in this act:

3

4 (i) "Advertises" means attempting by any means,
5 including the Internet, the world wide web or a similar
6 proprietary or common carrier electronic system, to induce
7 persons to enter into an agreement with an outfitter to
8 receive guide or packing services;

9

10 ~~(i)~~ (ii) "Board" means the Wyoming state board of
11 outfitters and guides established under this act;

12

13 ~~(ii)~~ (iii) "Outfitter" means a person including a
14 hunting club, who advertises or holds himself out to the
15 public for hire or remuneration to provide guide or packing
16 services for the purpose of taking any big or trophy game
17 animal, excluding any person who furnishes pack or riding
18 animals and other equipment only to a hunter for his
19 personal temporary use and any landowner providing
20 outfitter services on private lands owned or leased by him.

21 As used in this paragraph:

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23 (A) "Hunting club" means any person
24 requiring dues or remuneration for providing personal

1 services in the field for the taking of any big or trophy
2 game animal;

3
4 (B) "Landowner" means any person, firm or
5 corporation holding title to, or occupying under a contract
6 of purchase, agricultural land or any person whose family
7 owns at least a majority of the stock in a Wyoming
8 corporation and who provides services specified in this
9 paragraph on lands owned by the corporation and used
10 primarily for agricultural purposes.

11
12 ~~(iii)~~ (iv) "Professional guide" means any person
13 employed by or operating under an independent contract with
14 a licensed outfitter to furnish personal services for the
15 conduct of outdoor recreational activities for the purpose
16 of hunting animals except any person employed by a licensed
17 outfitter solely to care for, groom or saddle livestock,
18 cook, cut wood or to transport people, equipment and
19 personal property;

20
21 ~~(iv)~~ (v) "Guide or packing services" means,
22 ~~transporting~~ for hire or remuneration, ~~hunters, game~~
23 ~~animals or equipment~~ accompanying and providing assistance
24 of any kind to a hunter in the field ~~for the purpose of~~

1 related to taking of any big or trophy game animal, and may
2 include providing services, equipment, livestock or
3 facilities for the benefit of the hunter;

4
5 ~~(v)~~ (vi) "This act" means W.S. 23-2-406 through
6 23-2-418.

7
8 **23-2-407. License required for outfitters and**
9 **professional guides.**

10

11 (a) No person shall hold himself out as, engage in
12 the business of or act in the capacity of an outfitter or
13 shall ~~engage in the occupation of a professional guide as~~
14 ~~an independent contractor or as an agent or employee,~~
15 provide guide or packing services unless he is licensed as
16 an outfitter or professional guide pursuant to this act.

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18 **23-2-408. Wyoming state board of outfitters and**
19 **professional guides; membership; meetings; per diem and**
20 **travel expenses.**

21

22 (b) Appointed members shall be appointed by the
23 governor with the advice and consent of the senate in
24 accordance with W.S. 28-12-101 through 28-12-103 and may be

1 removed by the governor as provided by W.S. 9-1-202. Not
2 more than four (4) members of the board shall be of the
3 same political party. Except as otherwise provided for
4 initial appointees, the term of an appointed member shall
5 be three (3) years. After July 1, 2006, no appointed
6 member shall serve more than two (2) consecutive terms on
7 the board.

8
9 **23-2-410. Powers and duties of board; generally;**
10 **employees; licensing and regulation; issuance of citations.**

11
12 (c) The board shall license and regulate outfitters
13 and professional guides in this state and shall:

14
15 (vii) Investigate unlicensed outfitters and
16 unlicensed guides for violations of this act.

17
18 **23-2-417. Violations in general; penalties;**
19 **forfeiture.**

20
21 (c) Devices and equipment, including, but not limited
22 to, any firearm, livestock, tack, weapon, ammunition, trap,
23 snare, vessel, motorized vehicle, aircraft, explosive,
24 poisonous substance, electronic device or optical

equipment, used in, or in aid of, outfitting or guiding
without a license may be seized by any law enforcement
officer of the state after hearing and upon order issued by
the court of original jurisdiction when the value of the
devices or equipment is one thousand dollars (\$1,000.00) or
less or by the district court for the county in which the
offense was charged when the value of the devices or
equipment is more than one thousand dollars (\$1,000.00).
Any device or equipment seized under this section shall be
forfeited to the state in accordance with W.S. 7-2-105,
provided the device or equipment is not subject to
forfeiture under this section by reason of the unlawful act
being committed without the knowledge or consent of the
owner. A device or equipment seized under this section
shall not be forfeited as provided under this section until
after the person has been convicted and the time for appeal
has expired.

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

(b) No person shall directly or indirectly lease his
property to a person holding himself out as engaging in the

1 business of or acting in the capacity of an outfitter or a
2 guide unless that person provides proof that he is a
3 licensed outfitter or professional guide as required by
4 this act.

5

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

8

9 **Section 2.** Nothing in this act shall affect the
10 current term of office of any board member holding office
11 at the time of passage of this act.

12

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

14

15 (END)