

HOUSE BILL NO. HB0088

Guides and outfitters.

Sponsored by: Representative(s) McOmie and Senator(s) Coe

A BILL

for

1 AN ACT relating to the guides and outfitters and the
2 Wyoming board of outfitters; providing definitions relating
3 to guide and outfitting services; limiting terms of board
4 members; clarifying the board's authority to investigate
5 and issue citations; expanding the board's authority to
6 take disciplinary action against licensees; requiring
7 complainants to cooperate with the board; specifying
8 additional requirements relating to guide and outfitting
9 services; providing for the loss of hunting privileges; and
10 providing for an effective date.

11

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

13

14 **Section 1.** W.S. 23-2-406, 23-2-407(a) and by creating
15 a new subsection (c), 23-2-408(b), 23-2-410(b) and
16 (c)(iii), 23-2-411(a) by creating a new paragraph (vi),

1 23-2-412(a) by creating a new paragraph (v),
2 23-2-416(a) (intro) and 23-2-417(b) are amended to read:

3

4 **23-2-406. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Advertises" means attempting by any means,
9 including the Internet, the World Wide Web or a similar
10 proprietary or common carrier electronic system, to induce
11 persons to enter into an agreement with an outfitter to
12 receive guide or packing services;

13

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

16

17 (iii) "Compensation" or "remuneration" means
18 payment of any kind, without regard to value or agreement,
19 including tips, presents, exchange of property or service
20 or bartering for guide services;

21

22 (iv) "Guide services" means for hire or
23 remuneration, accompanying and providing assistance of any

1 kind to a hunter in the field relating to the taking of any
2 big or trophy game animal;

3

4 ~~(ii)~~ (v) "Outfitter" means a person including a
5 hunting club, who advertises or holds himself out to the
6 public for hire or remuneration to provide guide or packing
7 services for the purpose of taking any big or trophy game
8 animal, excluding any person who furnishes pack or riding
9 animals and other equipment only to a hunter for his
10 personal temporary use and any landowner providing
11 outfitter services on private lands owned or leased by him.

12 As used in this paragraph:

13

14 (A) "Hunting club" means any person
15 requiring dues or remuneration for providing personal
16 services in the field for the taking of any big or trophy
17 game animal;

18

19 (B) "Landowner" means any person, firm or
20 corporation holding title to, or occupying under a contract
21 of purchase, agricultural land or any person whose family
22 owns at least a majority of the stock in a Wyoming
23 corporation and who provides services specified in this

1 paragraph on lands owned by the corporation and used
2 primarily for agricultural purposes.

3

4 (vi) "Outfitter of record" means the licensed
5 outfitter designated by any unlicensed owner of an
6 outfitting business who is specifically authorized to
7 represent the business and is responsible and accountable
8 for the operation of the business;

9

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

18

19 ~~(iv)~~ (viii) "Packing services" means transporting
20 for hire or remuneration, hunters, game animals or
21 equipment in the field for the purpose of taking any big or
22 trophy game animal;

23

1 (ix) "Take" means hunt, pursue, catch, capture,
2 shoot, trap, kill or possess or attempt to hunt, pursue,
3 catch, capture, shoot, trap, kill or possess any big or
4 trophy game animal;

5
6 ~~(v)~~(x) "This act" means W.S. 23-2-406 through
7 23-2-418.

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

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

19
20 (c) No person shall advertise outfitter or guide
21 services to be performed in Wyoming without listing the
22 Wyoming outfitter license number of one (1) or more
23 outfitters who are contractually obligated to provide the
24 services advertised.

1

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

5

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, 2011, no appointed
14 member shall serve more than two (2) consecutive terms on
15 the board.

16

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

19

20 (b) The board may employ personnel as required to
21 carry out this act and establish compensation for any
22 employees subject to legislative budget authorization. The
23 board may investigate alleged violations of this act,
24 including but not limited to violations of W.S.

1 23-2-407(a). In enforcing this act and its rules and
2 regulations, the board shall require investigators to
3 receive peace officer training and qualification under W.S.
4 9-1-701 through 9-1-708.

5

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

8

9 (iii) Conduct hearings upon complaints received
10 relative to licensees. The board may require the
11 complainant to appear before the board in an investigation
12 or a hearing the board conducts. The board may summarily
13 dismiss a complaint upon failure of the complainant to
14 appear or otherwise cooperate with the board;

15

16 **23-2-411. Outfitter qualifications for licensure;**
17 **licensed outfitter may act as professional guide; required**
18 **reporting of criminal history.**

19

20 (a) An applicant for an outfitter's license shall in
21 addition to any other criteria imposed by rule and
22 regulation of the board, possess the following
23 qualifications:

24

1 (vi) Have committed no violations of W.S.
2 23-2-416(a).

3

4 **23-2-412. Qualifications for professional guide's**
5 **license; valid during employment by outfitter only.**

6

7 (a) An applicant for a professional guide's license
8 under this act shall meet the following qualifications:

9

10 (v) Have committed no violations of W.S.
11 23-2-416(a).

12

13 **23-2-416. License suspension and revocation; grounds;**
14 **payment of damages; proceedings.**

15

16 (a) The board may require ~~payment of a licensee to~~
17 pay damages as provided by subsection (b) of this section,
18 may refuse to issue or renew or may suspend or revoke a
19 license issued under this act or may otherwise discipline a
20 licensee for any of the following causes:

21

22 **23-2-417. Violations in general; penalties.**

23

24 (b) In addition to subsection (a) of this section,

1 the court may in its discretion, revoke any license issued
2 under this act or W.S. 23-1-101 through 23-6-208, to any
3 person violating this act, for the remainder of the year in
4 which the conviction occurs, and may suspend the person's
5 privilege to receive ~~a~~any license under this act or under
6 W.S. 23-1-101 through 23-6-208, for a period not to exceed
7 five (5) years.

8

9 **Section 2.** This act is effective July 1, 2011.

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11

(END)