

HOUSE BILL NO. HB0158

Board of outfitters-authority.

Sponsored by: Representative(s) Childers, Olsen, Simpson
and Thompson and Senator(s) Anderson, J.,
Coe and Cooper

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 the loss of hunting privileges;
5 and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 23-2-406(a), 23-2-407(a) and by
10 creating a new subsection (c), 23-2-408(b), 23-2-410(c) by
11 creating a new paragraph (vii), 23-2-411(a) by creating a
12 new paragraph (vi), 23-2-412(a) by creating a new paragraph
13 (v), 23-2-416(a)(intro) and 23-2-417(b) are amended to
14 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 (iii) "Compensation" or "remuneration" means
14 payment of any kind, without regard to value or agreement,
15 including tips, presents, exchange of property or service
16 or bartering for guide services;

17

18 (iv) "Guide services" means for hire or
19 remuneration, accompanying and providing assistance of any
20 kind to a hunter in the field relating to the taking of any
21 big or trophy game animal;

22

23 ~~(ii)~~(v) "Outfitter" means a person including a
24 hunting club, who advertises or holds himself out to the

1 public for hire or remuneration to provide guide or packing
2 services for the purpose of taking any big or trophy game
3 animal, excluding any person who furnishes pack or riding
4 animals and other equipment only to a hunter for his
5 personal temporary use and any landowner providing
6 outfitter services on private lands owned or leased by him.

7 As used in this paragraph:

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9 (A) "Hunting club" means any person
10 requiring dues or remuneration for providing personal
11 services in the field for the taking of any big or trophy
12 game animal;

13

14 (B) "Landowner" means any person, firm or
15 corporation holding title to, or occupying under a contract
16 of purchase, agricultural land or any person whose family
17 owns at least a majority of the stock in a Wyoming
18 corporation and who provides services specified in this
19 paragraph on lands owned by the corporation and used
20 primarily for agricultural purposes.

21

22 (vi) "Outfitter of record" means the licensed
23 outfitter designated by any unlicensed owner of an
24 outfitting business who is specifically authorized to

1 represent the business and is responsible and accountable
2 for the operation of the business;

3
4 ~~(iii)~~ (vii) "Professional guide" means any person
5 employed by or operating under an independent contract with
6 a licensed outfitter to furnish personal services for the
7 conduct of outdoor recreational activities for the purpose
8 of hunting animals except any person employed by a licensed
9 outfitter solely to care for, groom or saddle livestock,
10 cook, cut wood or to transport people, equipment and
11 personal property;

12
13 ~~(iv)~~ (viii) "Packing services" means transporting
14 for hire or remuneration, hunters, game animals or
15 equipment in the field for the purpose of taking any big or
16 trophy game animal;

17
18 (ix) "Take" means hunt, pursue, catch, capture,
19 shoot, trap, kill or possess or attempt to hunt, pursue,
20 catch, capture, shoot, trap, kill or possess any big or
21 trophy game animal;

22
23 ~~(v)~~ (x) "This act" means W.S. 23-2-406 through
24 23-2-418.

1

2 **23-2-407. License required for outfitters and**
3 **professional guides.**

4

5 (a) No person shall hold himself out as, engage in
6 the business of or act in the capacity of an outfitter or
7 shall ~~engage in the occupation of a professional guide as~~
8 ~~an independent contractor or as an agent or employee,~~
9 provide guide services or packing services unless he is
10 licensed as an outfitter or professional guide pursuant to
11 this act.

12

13 (c) No person shall advertise outfitter or guide
14 services to be performed in Wyoming without listing the
15 Wyoming outfitter license number of one (1) or more
16 outfitters who are contractually obligated to provide the
17 services advertised.

18

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

22

23 (b) Appointed members shall be appointed by the
24 governor with the advice and consent of the senate in

1 accordance with W.S. 28-12-101 through 28-12-103 and may be
2 removed by the governor as provided by W.S. 9-1-202. Not
3 more than four (4) members of the board shall be of the
4 same political party. Except as otherwise provided for
5 initial appointees, the term of an appointed member shall
6 be three (3) years. After July 1, 2007, no appointed
7 member shall serve more than two (2) consecutive terms on
8 the board.

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

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

15
16 (vii) Investigate violations of this act by
17 unlicensed persons.

18
19 **23-2-411. Outfitter qualifications for licensure;**
20 **licensed outfitter may act as professional guide; required**
21 **reporting of criminal history.**

22
23 (a) An applicant for an outfitter's license shall in
24 addition to any other criteria imposed by rule and

1 regulation of the board, possess the following
2 qualifications:

3
4 (vi) Have committed no violations of W.S.
5 23-2-416(a).

6
7 **23-2-412. Qualifications for professional guide's**
8 **license; valid during employment by outfitter only.**

9
10 (a) An applicant for a professional guide's license
11 under this act shall meet the following qualifications:

12
13 (v) Have committed no violations of W.S.
14 23-2-416(a).

15
16 **23-2-416. License suspension and revocation; grounds;**
17 **payment of damages; proceedings.**

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

1 23-2-417. Violations in general; penalties.