

HOUSE BILL NO. HB0183

Board of outfitters authority-2.

Sponsored by: Representative(s) Childers and Senator(s)
Burns

A BILL

for

1 AN ACT relating to the Wyoming board of outfitters;
2 providing definitions; providing restrictions on
3 advertising as specified; limiting terms of board members;
4 clarifying the board's authority to investigate and issue
5 citations; providing for loss of hunting privileges;
6 prohibiting the lease of privately owned lands for hunting
7 to unlicensed outfitters; 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. 23-2-406(a) and by creating a new
13 subsection (c), 23-2-407(a), 23-2-408(b), 23-2-410(c) by
14 creating a new paragraph (vii), 23-2-417(b) and 23-2-418 by
15 creating a new subsection (b) and by renumbering (b) as (c)
16 are amended to read:

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23-2-406. Definitions.

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(a) As used in this act:

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

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

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

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As used in this paragraph:

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1 (A) "Hunting club" means any person
2 requiring dues or remuneration for providing personal
3 services in the field for the taking of any big or trophy
4 game animal;

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

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

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23 ~~(iv)~~ (v) "Guide or packing services" means,
24 ~~transporting for hire or remuneration, hunters, game~~

1 ~~animals or equipment~~ accompanying and providing assistance
2 of any kind to a hunter in the field, ~~for the purpose of~~
3 for hire or remuneration, related to taking of any big or
4 trophy game animal;

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

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

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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 or packing services unless he is licensed as
17 an outfitter or professional guide pursuant to this act.

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19 (c) No person shall advertise the services of
20 outfitting or guiding in Wyoming without listing the
21 license number of one (1) or more outfitters who are
22 contractually obligated to provide the hunt or hunts
23 advertised.

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1 **23-2-408. Wyoming state board of outfitters and**
2 **professional guides; membership; meetings; per diem and**
3 **travel expenses.**

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5 (b) Appointed members shall be appointed by the
6 governor with the advice and consent of the senate in
7 accordance with W.S. 28-12-101 through 28-12-103 and may be
8 removed by the governor as provided by W.S. 9-1-202. Not
9 more than four (4) members of the board shall be of the
10 same political party. Except as otherwise provided for
11 initial appointees, the term of an appointed member shall
12 be three (3) years. After July 1, 2006, no appointed
13 member shall serve more than two (2) consecutive three (3)
14 year terms 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:

21
22 (vii) Investigate unlicensed outfitters and
23 unlicensed guides for violations of this act.

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

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4 (b) In addition to subsection (a) of this section,
5 the court may in its discretion, revoke any license issued
6 under this act or under the Wyoming game and fish act, W.S.
7 23-1-101 through 23-6-208, to any person violating this
8 act, for the remainder of the year in which the conviction
9 occurs, and may suspend the person's privilege to receive ~~a~~
10 any license under this act and under the Wyoming game and
11 fish act, W.S. 23-1-101 through 23-6-208, for a period not
12 to exceed five (5) years.

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14 **23-2-418. Compensation of person not licensed under**
15 **this act prohibited; lease to person not licensed under**
16 **this act prohibited; penalty.**

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18 (b) No person shall directly or indirectly lease
19 private lands owned by him to a person holding himself out
20 as engaging in the business of or acting in the capacity of
21 an outfitter or a guide unless that person provides proof
22 that he is a licensed outfitter as required by this act.

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24 ~~(b)~~(c) Any person violating this section is guilty of

1 a misdemeanor as prescribed under W.S. 23-2-417(a).

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3 **Section 2.** Nothing in this act shall affect the
4 current term of office of any board member holding office
5 at the time of passage of this act.

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

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(END)