

## 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) "Guide services" means for hire or  
18 remuneration, accompanying and providing assistance to a  
19 hunter in the field relating to the taking of any big or  
20 trophy game animal except as provided in W.S. 23-2-401(c);

21

22 ~~(ii)~~(iv) "Outfitter" means a person including a  
23 hunting club, who advertises or holds himself out to the  
24 public for hire ~~or remuneration~~ for the purpose of

1 financial gain in order 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:

8  
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 (v) "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)~~ (vi) "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)~~ (vii) "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 (viii) "Take" means hunt, catch, capture, shoot,  
19 trap, kill or possess or attempt to hunt, catch, capture,  
20 shoot, trap, kill or possess any big or trophy game animal;

21

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

24

1           **23-2-407. License required for outfitters and**  
2 **professional guides.**

3

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

11

12           (c) No person shall advertise outfitter or guide  
13 services to be performed in Wyoming without listing the  
14 Wyoming outfitter license number of one (1) or more  
15 outfitters who are contractually obligated to provide the  
16 services advertised. This subsection shall not apply to  
17 landowners as defined in W.S. 23-2-406(a)(iii)(B).

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, 2011, 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 (b) The board may employ personnel as required to  
14 carry out this act and establish compensation for any  
15 employees subject to legislative budget authorization. The  
16 board may investigate alleged violations of this act,  
17 including but not limited to violations of W.S.  
18 23-2-407(a). In enforcing this act and its rules and  
19 regulations, the board shall require investigators to  
20 receive peace officer training and qualification under W.S.  
21 9-1-701 through 9-1-708.

22  
23 (c) The board shall license and regulate outfitters  
24 and professional guides in this state and shall:

1

2 (iii) Conduct hearings upon complaints received  
3 relative to licensees. The board may require the  
4 complainant to appear before the board in an investigation  
5 or a hearing the board conducts. The board may summarily  
6 dismiss a complaint upon failure of the complainant to  
7 appear or otherwise cooperate with the board;

8

9 **23-2-411. Outfitter qualifications for licensure;**  
10 **licensed outfitter may act as professional guide; required**  
11 **reporting of criminal history.**

12

13 (a) An applicant for an outfitter's license shall in  
14 addition to any other criteria imposed by rule and  
15 regulation of the board, possess the following  
16 qualifications:

17

18 (vi) Have committed no violations of W.S.  
19 23-2-416(a).

20

21 **23-2-412. Qualifications for professional guide's**  
22 **license; valid during employment by outfitter only.**

23

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

3

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

6

7 **23-2-416. License suspension and revocation; grounds;**  
8 **payment of damages; proceedings.**

9

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

15

16 **23-2-417. Violations in general; penalties.**

17

18 (b) In addition to subsection (a) of this section,  
19 the court may in its discretion, revoke any license issued  
20 under this act or W.S. 23-1-101 through 23-6-208, to any  
21 person violating this act, for the remainder of the year in  
22 which the conviction occurs, and may suspend the person's  
23 privilege to receive ~~a~~any license under this act or under



1 W.S. 23-1-101 through 23-6-208, for a period not to exceed  
2 five (5) years.

3

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

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6

(END)