

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1974

—●—  
**ENROLLED**

SENATE BILL NO. 76

(By Mr. Hubbard)

—●—  
PASSED March 8 1974

In Effect January 1, 1975 Passage



76  
FILED IN THE OFFICE  
EDGAR F. WEISKELL III,  
SECRETARY OF STATE  
THIS DATE 3-18-74

## ENROLLED

### Senate Bill No. 76

(By MR. HUBBARD)

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[Passed March 8, 1974; in effect January 1, 1975.]

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AN ACT to amend and reenact sections twenty-three, twenty-four and twenty-five, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to outfitters and guides; empowering the director of natural resources to promulgate rules and regulations covering the services of outfitters and guides; defining outfitters and guides to include a person taking land or water expeditions; and deleting the requirement of one year residency as a qualification for licensing as an outfitter or guide.

*Be it enacted by the Legislature of West Virginia:*

That sections twenty-three, twenty-four and twenty-five, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

#### ARTICLE 2. WILDLIFE RESOURCES.

##### §20-2-23. Outfitters and guides—Generally; definitions.

- 1 Services of outfitters and guides for the benefit and
- 2 convenience of hunters, fishermen and others in this state
- 3 are recognized as essential, and such outfitters and guides
- 4 may be licensed and authorized to serve as provided in
- 5 this article. The director is hereby authorized to promul-
- 6 gate rules and regulations on services of outfitters and
- 7 guides as herein defined.

8 The word "outfitter", as used herein, shall mean and  
9 include any person who, operating from any temporary  
10 or permanent camp, private or public lodge, or private or  
11 incorporated home situate within this state, provides for  
12 monetary profit or gain, saddle or pack animals or other  
13 animals, vehicles, boats, conveyances or equipment, or  
14 guide services for any person or persons hunting game  
15 animals, game birds, fishing or taking expeditions, both  
16 land and water, in this state. The term "outfitter" shall  
17 not include, however, any person who occasionally for  
18 accommodation or favor rather than profit or gain, rents  
19 equipment to hunters, fishermen or others as a service  
20 incidental to his principal occupation or business without  
21 advertising outfitter or guide services or holding out to  
22 the public his offering of such services. The term "guide",  
23 as used herein, shall be construed to include and embrace  
24 outfitter services and the term "outfitter" shall be con-  
25 strued to include and embrace guide services, but the  
26 applicant for any license hereunder may in his applica-  
27 tion elect whether he wishes to be designated as an out-  
28 fitter or as a guide.

**§20-2-24. Same—Qualifications.**

1 Each outfitter and guide licensed under the provisions  
2 hereof shall be a financially responsible citizen of the  
3 United States of America. He shall possess and inventory  
4 proper and adequate materials and equipment to provide  
5 for hunters, fishermen and others the services and con-  
6 veniences he advertises. All such materials and equip-  
7 ment shall be safe and free of infection and conditions  
8 inimical to the health and well-being of hunters, fisher-  
9 men, their traveling, camping and lodging companions.  
10 The director shall cause all outfitter and guide appli-  
11 cants to be investigated and shall make a determination  
12 of their qualifications prior to the issuance or refusal of  
13 licenses thereto.

**§20-2-25. Same—License applications; national forest require-  
ments.**

1 Each applicant for an outfitter or guide license shall file  
2 with the director a verified application setting forth the

3 applicant's name, his address, the property possessed and  
4 to be used in the proposed outfitter and guide services,  
5 the area within which he proposes to serve, his citizen-  
6 ship, his age and such other data and information as may  
7 be prescribed and required by the director on the applica-  
8 tion forms to be furnished by the department. Each such  
9 application, when filed by the applicant, shall be ap-  
10 proved and signed by three resident real property owners  
11 of the county in which such applicant resides.

12 Before any outfitter or guide license shall be issued  
13 for serving hunters, fishermen or others in any national  
14 forest areas within this state, the applicant shall obtain  
15 from the supervisor of such national forest area a desig-  
16 nation of the camp site or other site from which the out-  
17 fitter or guide proposes to operate therein and shall like-  
18 wise obtain from such supervisor any other authority or  
19 permit to so operate in such national forest area, together  
20 with copies of any rules and regulations of the forest  
21 incident to maintenance of camps, sanitary conditions, and  
22 prevention of forest fires and water pollution. The appli-  
23 cant shall satisfy the director that he has obtained such  
24 designation, permit, authority and rules and regulations,  
25 as may be required, as a prerequisite to the director's  
26 consideration of the applicant's license application.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Laurel Kirby  
Chairman Senate Committee

Charles C. Christard  
Chairman House Committee

Originated in the Senate.

Takes effect January 1, 1975.

Hawaii Weason  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. D. Brotherton, Jr.  
President of the Senate

Leino J. Williams  
Speaker House of Delegates

The within approved this the 18th  
day of March, 1974.

Arch A. Shaver, Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/74

Time 2:15 p.m.