

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 76

(By Mr. Hubbard)

PASSED March 8 1974

In Effect January 1, 1975 ~~Passage~~



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

76

ENROLLED

Senate Bill No. 76

(By MR. HUBBARD)

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

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. Christman, Jr.
Chairman House Committee

Originated in the Senate.

Takes effect January 1, 1975.

Harold Weason
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

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

Levin D. Williams
Speaker House of Delegates

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

Arch A. Shaw, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/74

Time 2:15 p.m.