

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB442**

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**Hearing Date:** Thursday February 10, 2011  
**Committee On:** Natural Resources  
**Introducer:** Avery  
**One Liner:** Adopt the Outdoor Outfitters and Guides Licensure Act

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

**Aye:** 8 Senators Carlson, Christensen, Dubas, Haar, Langemeier, McCoy, Schilz, Smith

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Senator Bill Avery  
Jim Douglas  
Jerry Thomas  
Susan Epps  
Tracy Thomas

**Representing:**

Introducer  
Game and Parks Commission  
Self  
American Red Cross  
Self

**Opponents:**

Mark Christensen  
Terry Kriz

Kim Snow  
Lance Kuck  
Errol Wells  
Clay Beck  
Jim Kuhn  
Brad Arrowsmith

**Representing:**

Cedar Valley Hunt Club  
Oak Creek Sporting Club; Nebraska Gamebird Association  
Nebraska Gamebird and Hunting Association  
Nebraska Outfitters and Guides Association  
Nebraska Outfitters and Guides Association  
Self  
Nebraska Trophy Bucks 'n Birds  
Self

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 442 sought to regulate the outfitters industry. It contains 36 sections of new language creating the Outdoor Outfitters and Guides Licensure Act.

Sections 1 through 3 contain findings/statements of purpose.

- Our natural resources are unique;
  - The outfitters and guides industry is important to the economy;
  - The intent of the Legislature is to promote travel and tourism enhanced by the outfitters and guides industry;
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- The purpose of the act is to regulate and license compensated outfitters/guides;
- The purpose is not to interfere with private livestock operations, recreation activities without use of an outfitter, hunting or fishing seasons, state park administration, management of federal lands and waters.

Sections 4 through 18 contain definitions.

Sections 19 and 20 provide duties for licensed outfitters and guides. Both are to advise clients of applicable permit laws, and cooperate with landowners or public land management entities and respect their rights. Outfitters are also to provide services, facilities and equipment as advertised or contracted for with a client and ensure services, facilities and equipment conform to state safety codes. Guides are also to conform to the standard of care expected for the profession, and possess valid hunting or fishing permits or a valid open water rescue certification, if applicable.

Section 21 requires clients: to act as a reasonably prudent person when participating in recreational activity with an outfitter or guide, and not interfere with their activities, not engage in harmful conduct, and not initiate an activity that is not in the contract with the outfitter or guide.

Section 22 requires the Game and Parks Commission to administer the licensing provisions.

Sections 23 and 24 list the information required on both license applications. Includes basic information and description of the physical boundaries of the land or water where the applicant will work; the applicant's safety record and emergency management plan; proof of applicable permits and; proof of liability insurance. Also allows the commission to make additional inquiries.

Section 25 allows the commission to revoke a license for at least three years for a misrepresentation on the application.

Section 26 states that a license is valid for one year and may be renewed.

Section 27 requires the commission to notify the applicant via certified mail if the application has been denied. Allows the applicant to request a review of the decision.

Section 28 lists the grounds for revocation, which include: selling or transferring a license, misleading the commission or clients, being convicted of a felony, false advertising, not having liability insurance, violating state or federal game laws, breach of contract with client, employing an unlicensed guide, acting outside of license scope, inhumane treatment of animals, unauthorized hunting, trapping or fishing of protected species. Allows the licensee to request a review.

Sections 29 and 30 provide the fees to be charged for the licenses. Licenses are for one, two, three, or four or more years, and the fee varies depending on whether a license is for an outfitter or guide, and whether big game are taken.

Section 31 creates the Outdoor Outfitters and Guides Cash Fund.

Section 32 requires incorporated, Nebraska-based outfitters and guides doing business outside of the state to be licensed under the act. Requires nonresident outfitters or guides doing business in Nebraska to be licensed under the act or to show proof of licensure in their own home state.

Section 33 allows a licensed outfitter or his or her clients to use a booking agent for travel arrangements or third-party accommodations. Absolves an outfitter of liability for breaches of contract between such an entity and a client.

Section 34 requires a licensed outfitter or guide to provide a waiver form to each client so that the client assumes all reasonable risks and dangers of using the licensee's services.

Section 35 states that violation of the act is a Class IV misdemeanor and grounds for license revocation.

Section 36 authorizes the commission to adopt rules and regulations.

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Chris Langemeier, Chairperson