

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 796

Introduced by Avery, 28.

Read first time January 05, 2012

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to outdoor outfitters and guides; to adopt the
- 2 Outdoor Outfitters and Guides Registration Act; and to
- 3 provide penalties.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Outdoor Outfitters and Guides Registration Act.

3 Sec. 2. (1) The Legislature finds that: (a) Nebraska has
4 a tremendous amount of pristine land; (b) that the vast expanses of
5 prairie, sandhills, and waterways provide unique habitat for numerous
6 species of birds, fish, and wildlife; and (c) and that the economic
7 development provided through the outdoor outfitters and guides
8 industry is of vital importance to the State of Nebraska and
9 contributes substantially to the economy of the state.

10 (2) It is the intent of the Legislature to promote and
11 encourage utilization of the vast natural resources of this state
12 through travel and tourism activities enhanced by the outdoor
13 outfitters and guides industry.

14 Sec. 3. (1) The purpose of the Outdoor Outfitters and
15 Guides Registration Act is to provide for registration of persons who
16 undertake for compensation the business of providing equipment,
17 facilities, or services to individuals for the purposes of taking or
18 attempting to take fish, birds, or wildlife or of navigation of
19 waters of the state.

20 (2) The Outdoor Outfitters and Guides Registration Act
21 shall not be interpreted to (a) interfere with any privately owned
22 livestock business operations, (b) prevent the general public from
23 enjoying recreational activities on public and private lands when a
24 registered outfitter or guide is not utilized, (c) interfere with any
25 fishing or hunting seasons, permits, stamps, certifications, daily

1 bag limits, or possession limits or fish and wildlife population
2 control strategies established by the Game and Parks Commission, or
3 (d) interfere with the right of the United States to manage federal
4 lands and waters under its control.

5 Sec. 4. For purposes of the Outdoor Outfitters and Guides
6 Registration Act, the definitions found in sections 5 to 14 of this
7 act apply.

8 Sec. 5. Advertise means attempting by any means to induce
9 individuals to enter into an agreement with a registered outdoor
10 outfitter or guide for purposes of taking or attempting to take fish,
11 birds, or wildlife on any public or private lands or of navigation of
12 waters on any public or private lake, reservoir, river, or stream.

13 Sec. 6. Client means an individual who uses the services,
14 facilities, or equipment of a registered outdoor outfitter or guide.

15 Sec. 7. Commission means the Game and Parks Commission.

16 Sec. 8. Guide means an individual not employed by an
17 outdoor outfitter who advertises or holds himself or herself out to
18 the public for purposes of providing personal services consisting of
19 accompanying, supervising, instructing, or training clients in
20 outdoor recreational activities. Guide does not include:

21 (1) A bona fide camp the purpose of which is to provide
22 outdoor experiences for persons under nineteen years of age and its
23 employees;

24 (2) A nonprofit organization that is exempt from the
25 payment of federal income taxes under the provisions of section

1 501(c)(3) of the Internal Revenue Code;

2 (3) An individual who provides services, equipment, or
3 facilities for recreational activities to a direct family member; and

4 (4) An individual or organization who or which makes
5 travel arrangements only and is not associated with or employed by an
6 outdoor outfitter.

7 Sec. 9. Hunting club means a formal private association
8 of hunters who hold membership through the payment of fees to the
9 club.

10 Sec. 10. Navigation of waters means the use of any vessel
11 as defined in section 37-1203 which is rented or leased for
12 recreational purposes.

13 Sec. 11. Outdoor outfitter means a person, firm,
14 partnership, hunting club, or corporation who or which advertises or
15 holds himself, herself, or itself out to the public for purposes of
16 providing facilities or services or maintaining, leasing, or
17 otherwise using equipment or accommodations privately owned by the
18 outdoor outfitter, for compensation, for taking or attempting to take
19 fish, birds, or wildlife on any public or private lands or for
20 navigation of waters on any public or private lake, reservoir, river,
21 or stream. Outdoor outfitter does not include:

22 (1) A bona fide camp the purpose of which is to provide
23 outdoor experiences for persons under nineteen years of age and its
24 employees;

25 (2) A nonprofit organization that is exempt from the

1 payment of federal income taxes under the provisions of section
2 501(c)(3) of the Internal Revenue Code;

3 (3) An individual who provides services, equipment, or
4 facilities for recreational activities to a direct family member; and

5 (4) An individual or organization who or which makes
6 travel arrangements only and is not associated with or employed by an
7 outdoor outfitter.

8 Sec. 12. Registration number means a unique number or
9 code on a registration certificate issued under the Outdoor
10 Outfitters and Guides Registration Act.

11 Sec. 13. Registration year means the period of time
12 starting on the date a registration certificate is issued under the
13 Outdoor Outfitters and Guides Registration Act and ending on the
14 anniversary date of issuance in the following year.

15 Sec. 14. Take has the definition found in section 37-242.

16 Sec. 15. (1) An applicant for a registration certificate
17 shall apply on a form prescribed by the commission. The application
18 shall be made at least four weeks prior to providing service to
19 clients. The application shall include, but is not limited to:

20 (a) The name, address, telephone number, and driver's
21 license number of the applicant, if an individual, or the corporate
22 business or trade name authorized under the Nebraska Business
23 Corporation Act of the applicant and the name and address of each
24 corporate officer; and

25 (b) Proof of liability insurance coverage of not less

1 than fifty thousand dollars per one person in a single accident.

2 (2) The application shall be signed by the applicant
3 under oath or affirmation, shall be duly notarized, and shall be
4 accompanied by the license fee of one hundred dollars.

5 Sec. 16. Upon receipt of the application and the license
6 fee, the commission shall issue a registration certificate to the
7 applicant. The registration certificate shall be valid for one
8 registration year following issuance and shall be assigned a unique
9 registration number.

10 Sec. 17. The commission shall create a digital list on
11 its web site of all outdoor outfitters and guides registered under
12 the Outdoor Outfitters and Guides Registration Act. The list shall
13 include the name, corporate name if applicable, address, and
14 telephone number of each registrant under the act.

15 Sec. 18. The Outdoor Outfitters and Guides Cash Fund is
16 created. All fees collected under the Outdoor Outfitters and Guides
17 Registration Act shall be remitted to the State Treasurer for credit
18 to the fund. Money in the fund shall be used by the commission to
19 carry out the Outdoor Outfitters and Guides Registration Act. Money
20 in the fund available for investment shall be invested by the state
21 investment officer pursuant to the Nebraska Capital Expansion Act and
22 the Nebraska State Funds Investment Act.

23 Sec. 19. Any Nebraska-based outdoor outfitter or guide
24 incorporated under the Business Corporation Act and doing business in
25 another state or country shall be registered under the Outdoor

1 Outfitters and Guides Registration Act.

2 Sec. 20. Any person convicted of acting as a guide or
3 outdoor outfitter without registering pursuant to the Outdoor
4 Outfitters and Guides Registration Act is guilty of a Class IV
5 misdemeanor and shall not be eligible to receive a registration
6 certificate for one year from the date of conviction.

7 Sec. 21. The commission may adopt and promulgate rules
8 and regulations to carry out the Outdoor Outfitters and Guides
9 Registration Act.