
ASSEMBLY BILL NO. 272—ASSEMBLYMEN CARPENTER
AND GOICOECHEA (BY REQUEST)

MARCH 11, 2003

Referred to Concurrent Committees on Natural Resources,
Agriculture, and Mining and Ways and Means

SUMMARY—Provides for regulation of outfitters and guides.
(BDR 54-142)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; creating the Board of Outfitters and Guides; prescribing the powers and duties of the Board; requiring the licensing of outfitters and guides; establishing fees for licenses issued by the Board; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 35, inclusive, of this act.

4 **Sec. 2. 1.** *It is the policy of this state and the purpose of this*
5 *chapter to:*

6 *(a) Promote and encourage residents and nonresidents to*
7 *participate in the enjoyment and use of the deserts, mountains,*
8 *rivers, streams, lakes, reservoirs and other natural resources of*
9 *this state, and the fish and game therein, and to that end to*
10 *regulate and license those persons who for compensation provide*
11 *equipment and personal services to persons who participate in*
12 *outdoor recreational activities; and*

13 *(b) Safeguard the health, safety, welfare, and freedom from*
14 *injury or danger of persons who engage in outdoor recreational*



- 1 *activities by using the services of commercial outfitters and guides*
2 *in this state.*
- 3 **2. It is not the purpose of this chapter to:**
- 4 (a) *Interfere with the business of livestock operations;*
5 (b) *Prevent the owner of pack animals from allowing other*
6 *persons to use those animals if no consideration is exchanged for*
7 *that use;*
8 (c) *Interfere with the right of the general public to enjoy the*
9 *recreational value of the deserts, mountains, rivers, streams, lakes,*
10 *reservoirs and other natural resources of this state if the services*
11 *of commercial outfitters and guides are not used; or*
12 (d) *Interfere with the right of the United States to manage the*
13 *public lands under its control.*
- 14 **Sec. 3. As used in this chapter, unless the context otherwise**
15 **requires, the words and terms defined in sections 4 to 9, inclusive,**
16 **of this act have the meanings ascribed to them in those sections.**
- 17 **Sec. 4. "Board" means the Board of Outfitters and Guides.**
- 18 **Sec. 5. "Guide" means any natural person who is employed**
19 **by an outfitter to provide personal services directly related to the**
20 **conduct of outdoor recreational activities for which the outfitter is**
21 **licensed.**
- 22 **Sec. 6. "License year" means the period beginning on**
23 **June 1 and ending on May 31 of the following year.**
- 24 **Sec. 7. "Licensee" means a person who is issued a license**
25 **pursuant to this chapter.**
- 26 **Sec. 8. "Outdoor recreational activities" include, without**
27 **limitation:**
- 28 1. *Hunting animals, including, without limitation, birds;*
29 2. *Float or power boating on rivers and streams of this state;*
30 3. *Fishing on the lakes, reservoirs, rivers and streams of this*
31 *state; and*
32 4. *Desert or mountain excursions, including, without*
33 *limitation, excursions on horseback, rappelling and rafting.*
- 34 **Sec. 9. "Outfitter" means any person who:**
- 35 1. *Advertises or otherwise holds himself out to the general*
36 *public for hire for engaging clients in outdoor recreational*
37 *activities;*
38 2. *Provides, for compensation, facilities and services to*
39 *clients engaged in outdoor recreational activities; and*
40 3. *Maintains, leases, or otherwise uses equipment or*
41 *accommodations for engaging clients in outdoor recreational*
42 *activities.*
- 43 **Sec. 10. The provisions of this chapter do not apply to:**
- 44 1. *A person who, without charge, provides a pack or saddle*
45 *horse or other equipment, to a hunter or a fisherman.*



- 1 2. *A person who provides only equipment to a person who*
- 2 *engages in an outdoor recreational activity without a guide.*
- 3 3. *A member of a nonprofit organization if:*
- 4 (a) *The organization is exempt from the payment of federal*
- 5 *income taxes under section 501(c)(3) of the Internal Revenue*
- 6 *Code;*
- 7 (b) *The purpose of the organization is to provide outdoor*
- 8 *experiences to persons under the age of 21 years and to the leaders*
- 9 *of the organization; and*
- 10 (c) *The organization provides outfitting and guiding services*
- 11 *only to its members without profit.*
- 12 4. *A member of an organization if the primary purpose of the*
- 13 *organization is the rehabilitation and treatment of culturally*
- 14 *disadvantaged and at-risk youths, which may include the*
- 15 *participation of those youths in outdoor recreational activities as*
- 16 *part of the organization's program of rehabilitation and treatment.*
- 17 5. *An employee of the State of Nevada or the Federal*
- 18 *Government when performing the duties of his employment.*
- 19 **Sec. 11. 1. *The Board of Outfitters and Guides, consisting***
- 20 ***of five members, is hereby created.***
- 21 2. *The members of the Board must be appointed as follows:*
- 22 (a) *One member appointed by the Board of Wildlife*
- 23 *Commissioners from among its members;*
- 24 (b) *Three members appointed by the Governor who:*
- 25 (1) *Are licensed as outfitters or guides pursuant to this*
- 26 *chapter; and*
- 27 (2) *Have at least 5 years of experience as an outfitter or*
- 28 *guide in this state; and*
- 29 (c) *One member appointed by the Governor who is a*
- 30 *representative of the general public.*
- 31 3. *After the initial terms, the term of office of each member of*
- 32 *the board is 3 years.*
- 33 4. *To the extent of money available for this purpose, each*
- 34 *member of the Board is entitled to receive a salary of not more*
- 35 *than \$80 per day, as fixed by the Board, while engaged in the*
- 36 *business of the Board.*
- 37 5. *To the extent of money available for this purpose, while*
- 38 *engaged in the business of the Board, each member and employee*
- 39 *of the Board is entitled to receive the per diem allowance and*
- 40 *travel expenses provided for state officers and employees*
- 41 *generally.*
- 42 6. *The salary, per diem allowance and travel expenses of the*
- 43 *member of the Board who is appointed by the Board of Wildlife*
- 44 *Commissioners must be paid from the Wildlife Account in the*
- 45 *State General Fund.*



- 1 7. As used in this section, "game warden" means a person
2 designated as a game warden pursuant to NRS 501.349.
- 3 **Sec. 12.** 1. A member may be removed from the Board by
4 the appointing authority for good cause.
- 5 2. If a vacancy occurs during a member's term, the
6 appointing authority shall fill the vacancy in the same manner as
7 the original appointment.
- 8 **Sec. 13.** 1. A majority of the members of the Board
9 constitutes a quorum.
- 10 2. The Board shall meet at least four times a year, and at
11 least two meetings must be held in Reno, Nevada.
- 12 **Sec. 14.** 1. The Board shall appoint an Executive Director
13 who serves at the pleasure of the Board.
- 14 2. The Executive Director shall perform duties prescribed by
15 the Board.
- 16 3. The Board may, by a majority vote of the members of the
17 Board, refuse, ratify or reverse any action or decision of the
18 Executive Director.
- 19 **Sec. 15.** The Board shall:
- 20 1. Conduct examinations to determine the qualifications of
21 applicants for licenses issued pursuant to this chapter.
- 22 2. Issue licenses to qualified applicants, with such restrictions
23 and limitations thereon as the Board may find reasonable.
- 24 3. Conduct hearings and proceedings to suspend, revoke or
25 restrict licenses issued pursuant to this chapter for cause in the
26 manner provided in this chapter.
- 27 4. Enforce the provisions of this chapter.
- 28 5. Adopt regulations to carry out the provisions of this
29 chapter, including, without limitation, regulations which
30 prescribe:
- 31 (a) The requirements for training, experience and knowledge
32 of the laws and regulations relating to licensure pursuant to this
33 chapter;
- 34 (b) The form and content of examinations for licenses issued
35 pursuant to this chapter, whether oral, written or demonstrative,
36 or a combination thereof;
- 37 (c) The type and condition of equipment which must be used
38 by a licensee; and
- 39 (d) The standards and requirements for the operation of an
40 outfitter and conduct of a guide which are appropriate for:
- 41 (1) Protecting clients of an outfitter from injury or danger;
42 and
- 43 (2) The conservation of wildlife and range resources.



1 6. *Cooperate with the Federal Government and other states in*
2 *matters of mutual concern relating to outfitters and guides in this*
3 *state.*

4 **Sec. 16. 1.** *The Board may issue subpoenas to compel the*
5 *attendance of witnesses and the production of books, papers,*
6 *documents, records of licensees, and any other articles related to*
7 *this chapter.*

8 2. *If any witness refuses to attend or testify or produce any*
9 *article as required by a subpoena, the Board may file a petition*
10 *with the district court stating that:*

11 (a) *Notice has been given for the time and place of attendance*
12 *of the witness or the production of the required articles;*

13 (b) *The witness has been subpoenaed pursuant to this section;*
14 *and*

15 (c) *The witness has failed or refused to attend or produce the*
16 *articles required by the subpoena or has refused to answer*
17 *questions propounded to him,*

18 *and requesting an order of the court compelling the witness to*
19 *attend and testify before the Board or produce the articles as*
20 *required by the subpoena.*

21 3. *Upon receipt of the petition, the court shall enter an order*
22 *directing the witness to appear before the court at a time and place*
23 *to be fixed by the court in its order, the time to be not more than*
24 *10 days after the date of the order, and show cause why he has not*
25 *attended or testified or produced the articles. A certified copy of*
26 *the order must be served upon the witness.*

27 4. *If it appears to the court that the subpoena was regularly*
28 *issued, the court shall enter an order that the witness appear*
29 *before the Board, at the time and place fixed in the order, and*
30 *testify or produce the required articles, and upon failure to obey*
31 *the order, the witness must be dealt with as for contempt of court.*

32 **Sec. 17.** *The Board may employ enforcement agents to*
33 *conduct investigations and enforce the provisions of this chapter.*

34 **Sec. 18. 1.** *Each outfitter shall, not later than June 1 of*
35 *each year, provide to the Board in the manner prescribed by the*
36 *Board, the number of each species of big game mammal taken by*
37 *its clients during the immediately preceding license year and the*
38 *area in which each big game mammal was taken.*

39 2. *The Board shall compile the information it receives*
40 *pursuant to subsection 1 and, not later than July 1 of each year,*
41 *provide to the Administrator of the Division of Wildlife of the State*
42 *Department of Conservation and Natural Resources in the*
43 *manner prescribed by the Administrator, the total number of each*
44 *species of big game mammal taken by clients of all outfitters*



1 *during the immediately preceding license year and the area in*
2 *which each big game mammal was taken.*
3 *3. As used in this section, "big game mammal" has the*
4 *meaning ascribed to it in NRS 501.005.*
5 **Sec. 19.** *1. Each applicant for a license issued pursuant to*
6 *this chapter must submit to the Board an application on a form*
7 *prescribed by the Board.*
8 *2. An application for a license as an outfitter must:*
9 *(a) Include, without limitation:*
10 *(1) A list of the outdoor recreational activities for which the*
11 *outfitter wishes to be licensed; and*
12 *(2) A description of the boundaries of the geographical*
13 *area in which the outfitter wishes to engage clients in the outdoor*
14 *recreational activities;*
15 *(b) Be signed by the applicant, under oath or affirmation, that*
16 *the information provided by him is true and correct; and*
17 *(c) Be notarized.*
18 *3. An application for a license as an outfitter submitted by a*
19 *firm, partnership, corporation or other organization must*
20 *designate at least one natural person conducting its business who*
21 *meets the requirements for a license as an outfitter.*
22 *4. An application for a license as a guide must:*
23 *(a) Include, without limitation, a statement signed by the*
24 *outfitter for whom the applicant will be employed stating that the*
25 *outfitter will employ the applicant as a guide; and*
26 *(b) Be signed by the applicant.*
27 *5. The Board may investigate the background and*
28 *qualifications of an applicant as it deems appropriate.*
29 **Sec. 20.** *1. In addition to any other requirements for the*
30 *issuance or renewal of a license set forth in this chapter, an*
31 *applicant for the issuance or renewal of a license must submit to*
32 *the Board:*
33 *(a) The social security number of the applicant; and*
34 *(b) The statement prescribed by the Welfare Division of the*
35 *Department of Human Resources pursuant to NRS 425.520. The*
36 *statement must be completed and signed by the applicant.*
37 *2. The Board shall include the person's social security*
38 *number and the statement required pursuant to subsection 1 in:*
39 *(a) The application or any other forms that must be submitted*
40 *for the issuance or renewal of the license; or*
41 *(b) A separate form prescribed by the Board.*
42 *3. A license may not be issued or renewed by the Board if the*
43 *applicant:*
44 *(a) Fails to submit his social security number required*
45 *pursuant to subsection 1;*



1 (b) Fails to submit the statement required pursuant to
2 subsection 1; or

3 (c) Indicates on the statement submitted pursuant to
4 subsection 1 that he is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved
6 by the district attorney or other public agency enforcing the order
7 for the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted
9 pursuant to subsection 1 that he is subject to a court order for the
10 support of a child and is not in compliance with the order or a
11 plan approved by the district attorney or other public agency
12 enforcing the order for the repayment of the amount owed
13 pursuant to the order, the Board shall advise the applicant to
14 contact the district attorney or other public agency enforcing the
15 order to determine the actions that the applicant may take to
16 satisfy the arrearage.

17 **Sec. 21.** The Board shall make a final decision concerning
18 an application for:

19 1. The issuance of a license not later than 60 days after the
20 Board receives the completed application.

21 2. The renewal of a license not later than 30 days after the
22 Board receives the completed application.

23 **Sec. 22.** 1. If an applicant has not been previously licensed
24 by the Board, the applicant must submit with his application an
25 application fee in an amount determined by the Board pursuant to
26 subsection 6.

27 2. The fee for the issuance of:

28 (a) A license as an outfitter is \$500.

29 (b) A license as a guide is \$100.

30 3. The fee for the renewal of:

31 (a) A license as an outfitter, \$150.

32 (b) A license as a guide, \$50.

33 4. The Board shall adopt regulations providing for the
34 issuance of a duplicate license to replace an unexpired license that
35 has been lost, stolen or destroyed or requires a change of the name
36 of a licensee. The regulations must establish a fee, which must not
37 exceed \$25, for the issuance of a duplicate license.

38 5. The Board may, by regulation, provide for the issuance of
39 an amended license to replace an unexpired license if the Board
40 revises the geographical area of operation of the outfitter pursuant
41 to subsection 6 of section 26 of this act. The regulation may
42 establish a fee, which must not exceed \$100, for the issuance of an
43 amended license.

44 6. The Board shall annually establish a one-time application
45 fee of not more than \$800 for an application for a license as an



1 *outfitter, or \$100 for an application for a license as a guide, for*
2 *each applicant who has not been issued such a license by the*
3 *Board. The fees collected by the Board pursuant to this subsection*
4 *must be used only to pay the costs of investigating applicants.*

5 **Sec. 23. 1.** *Before the Board issues a license, an applicant*
6 *must:*

7 *(a) File with the Board a surety bond in a form acceptable to*
8 *the Board executed by the applicant as principal with a*
9 *corporation authorized to transact surety business in this state as*
10 *surety; or*

11 *(b) Establish a cash deposit with the Board as provided in this*
12 *section.*

13 **2.** *Before issuing a license to an applicant, the Board shall*
14 *require the applicant to file with the Board satisfactory evidence*
15 *that the surety bond or cash deposit is in full force, unless the*
16 *applicant has been relieved of the requirement as provided in this*
17 *section.*

18 **3.** *The failure of an applicant or licensee to file or maintain*
19 *in full force the required bond or to establish the required cash*
20 *deposit constitutes cause for the Board to deny, revoke, suspend or*
21 *refuse to renew a license.*

22 **4.** *The amount of each bond or cash deposit required by this*
23 *section must be fixed by the Board with reference to the financial*
24 *and professional responsibility of the licensee or applicant and the*
25 *magnitude of operations of the licensee or applicant, but must be*
26 *not less than \$1,000 or more than \$10,000. The bond must be*
27 *continuous in form and be conditioned that the total aggregate*
28 *liability of the surety for all claims is limited to the face amount of*
29 *the bond irrespective of the number of years the bond is in force.*
30 *The Board may increase or reduce the amount of any bond or*
31 *cash deposit if evidence supporting a change in the amount is*
32 *provided when the applicant applies for a license pursuant to this*
33 *chapter or at a hearing conducted pursuant to this chapter. Unless*
34 *released earlier pursuant to subsection 5, a cash deposit may be*
35 *withdrawn 2 years after termination of the license in connection*
36 *with which it was established, or 2 years after completion of all*
37 *work authorized by the Board after termination of the license,*
38 *whichever occurs later, if there is no outstanding claim against the*
39 *cash deposit.*

40 **5.** *After a licensee has been licensed as an outfitter or guide*
41 *in this state for not less than 5 consecutive years, the Board may*
42 *relieve the licensee of the requirement for filing a bond or*
43 *establishing a cash deposit if evidence supporting the relief is*
44 *provided to the Board. The Board may, at any time thereafter,*
45 *require the licensee to file a new bond or establish a new cash*



1 *deposit as provided in subsection 4. If a licensee is relieved of the*
2 *requirement of establishing a cash deposit, the cash deposit may*
3 *be withdrawn 2 years after the relief is granted, if there are no*
4 *outstanding claims against the cash deposit.*

5 **Sec. 24.** *1. Each bond or cash deposit required by section*
6 *23 of this act must be in favor of the State of Nevada for the*
7 *benefit of any person who is injured by any unlawful act or*
8 *omission of an outfitter or guide.*

9 *2. Any person who claims against the bond or cash deposit*
10 *may bring an action in a court of competent jurisdiction on the*
11 *bond or against the Board on the cash deposit for the amount of*
12 *damage he has suffered to the extent covered by the bond or cash*
13 *deposit. No action may be commenced on the bond or cash deposit*
14 *for 2 years after the commission of the act on which the action is*
15 *based. If an action is commenced on the bond, the surety that*
16 *executed the bond shall notify the Board of the action within 30*
17 *days after the date:*

18 *(a) The surety is served with a complaint and summons; or*

19 *(b) The action is commenced,*
20 *whichever occurs first.*

21 *3. Upon receiving a request from a person for whose benefit a*
22 *bond or cash deposit is required, the Board shall notify the person*
23 *that:*

24 *(a) A bond is in effect or that a cash deposit has been made,*
25 *and the amount of bond or cash deposit;*

26 *(b) There is an action against a bond, if that is the case, and*
27 *the court, the title and number of the action and the amount*
28 *requested by the plaintiff; and*

29 *(c) There is an action against the Board, if that is the case, and*
30 *the amount requested by the plaintiff.*

31 *4. If a surety, or in the case of a cash deposit, the Board,*
32 *wishes to make payment without awaiting court action, the*
33 *amount of the bond or cash deposit must be reduced to the extent*
34 *of any payment made by the surety or the Board in good faith*
35 *under the bond or cash deposit. Any payment must be based on*
36 *written claims received by the surety or Board before the court*
37 *action.*

38 *5. The surety or the Board may bring an action for*
39 *interpleader against all claimants upon the bond or cash deposit.*
40 *If an action for interpleader is commenced, the surety or the*
41 *Board must serve each known claimant and publish notice of the*
42 *action at least once each week for 2 weeks in a newspaper of*
43 *general circulation in the county where the outfitter has his*
44 *principal place of business. The surety is entitled to deduct its costs*
45 *of the action, including publication, from its liability under the*



1 *bond. The Board is entitled to deduct its costs of the action,*
2 *including attorney's fees and publication, from the cash deposit.*

3 *6. Claims against a bond or cash deposit have equal priority,*
4 *except where otherwise provided by law, and if the bond or cash*
5 *deposit is insufficient to pay all claims in full, the claims must be*
6 *paid pro rata. Partial payment of claims is not full payment, and*
7 *the claimants may bring actions against the licensee for the*
8 *unpaid balances.*

9 *7. The Board shall not claim against the bond or cash deposit*
10 *required pursuant to section 23 of this act for the payment of an*
11 *administrative fine imposed for a violation of the provisions of this*
12 *chapter.*

13 **Sec. 25. 1. The Board shall not issue a license to an**
14 **applicant if the Board determines that the applicant:**

- 15 (a) *Is incompetent or does not possess good moral character;*
16 (b) *Is less than 18 years of age; or*
17 (c) *Does not possess sufficient knowledge of the laws and*
18 *regulations of this state and the Federal Government concerning*
19 *fish and game or outfitters and guides.*

20 *2. The Board shall not issue a license as an outfitter to any*
21 *applicant who the Board determines does not have sufficient*
22 *financial resources to conduct adequately the business of an*
23 *outfitter.*

24 *3. The Board shall not issue a license as an outfitter to a*
25 *firm, partnership, corporation or other organization which does*
26 *not have at least one designated agent conducting its business as*
27 *an outfitter who meets the requirements for a license as an*
28 *outfitter.*

29 *4. The Board may refuse to issue a license to an applicant*
30 *who the Board determines has committed an act or omission that*
31 *constitutes grounds for revocation or suspension of a license*
32 *pursuant to this chapter.*

33 **Sec. 26. 1. The Board shall prescribe, by regulation, the**
34 **form and content of licenses issued pursuant to this chapter. The**
35 **Board may prescribe, by regulation, the limitations that may be**
36 **placed upon a license issued pursuant to this chapter. A limitation**
37 **placed upon a license must be clearly indicated on the face of the**
38 **license or as an attachment to the license and constitutes a part of**
39 **the license.**

40 *2. A license as an outfitter issued by the Board must specify:*

- 41 (a) *The outdoor recreational activities that may be conducted*
42 *by the outfitter pursuant to the license;*
43 (b) *The limits of the geographical area in which the outfitter is*
44 *authorized to operate; and*



1 (c) *The species of game, if any, which may be hunted pursuant*
2 *to the license.*
3 3. *When considering whether to approve an outdoor*
4 *recreational activity for a license, the Board shall consider,*
5 *without limitation:*
6 (a) *The length of time the applicant has operated in that area;*
7 (b) *The extent to which the applicant is qualified by*
8 *experience, equipment or resources to operate in that area;*
9 (c) *The safety record of the applicant;*
10 (d) *The accessibility of the area, the particular terrain and the*
11 *weather conditions normal to that area during the applicable*
12 *season; and*
13 (e) *The total amount of geographical area requested by the*
14 *applicant for a license as an outfitter, giving consideration to*
15 *the effect which the licensure of such an area would have upon*
16 *the environment, the amount of game which can be harvested*
17 *and the number of persons that can be adequately served in the*
18 *area.*
19 4. *A license issued by the Board is valid from the date issued*
20 *until the end of the license year in which the license is issued.*
21 5. *Only the person named on the license may conduct the*
22 *activities described in the license. A license may not be sold,*
23 *assigned or otherwise transferred.*
24 6. *The Board may revise the geographical area of operations*
25 *of the outfitter described in his license if the Board determines*
26 *that good cause exists for the revision.*
27 **Sec. 27.** *A person engaged in the business, or acting in the*
28 *capacity, of an outfitter or guide within this state may not bring or*
29 *maintain any action in the courts of this state for the collection of*
30 *compensation for the performance of any services as an outfitter*
31 *or guide without alleging and proving that the person, partnership*
32 *or corporation was licensed as an outfitter or guide pursuant to*
33 *this chapter at the time the alleged cause of action arose.*
34 **Sec. 28.** 1. *If the Board denies an application for a license,*
35 *the Board shall send a written notice to the applicant that sets*
36 *forth the reasons for the denial and any deficiencies in the*
37 *application within 10 days after the Board denies the application.*
38 2. *If the applicant corrects the deficiencies set forth in*
39 *the notice to the satisfaction of the Board within 30 days after the*
40 *applicant receives the notice pursuant to subsection 1, the Board*
41 *shall issue a license to the applicant.*
42 **Sec. 29.** 1. *Except as otherwise provided in subsection 4, all*
43 *reasonable expenses incurred by the Board in carrying out the*
44 *provisions of this chapter must be paid from the money that it*



1 *receives. No part of the salaries or expenses of the Board may be*
2 *paid out of the State General Fund.*

3 *2. Except as otherwise provided in this section, all money*
4 *collected by the Board from the imposition of fines must be*
5 *deposited with the State Treasurer for credit to the State General*
6 *Fund. All other money received by the Board must be deposited in*
7 *qualified banks, credit unions or savings and loan associations in*
8 *this state and paid out on its order for its expenses.*

9 *3. The Board may delegate to a hearing officer or panel its*
10 *authority to take any disciplinary action pursuant to this chapter,*
11 *impose and collect fines therefor, and deposit the money therefrom*
12 *in banks, credit unions or savings and loan associations in this*
13 *state.*

14 *4. If a hearing officer or panel is not authorized to take*
15 *disciplinary action pursuant to subsection 3 and the Board*
16 *deposits the money collected from the imposition of fines with the*
17 *State General Fund, it may present a claim to the State Board of*
18 *Examiners for recommendation to the Interim Finance Committee*
19 *if money is needed to pay attorney's fees or the costs of an*
20 *investigation, or both.*

21 **Sec. 30. 1.** *The Board may, upon its own motion, and shall,*
22 *upon the verified written complaint of any person setting forth*
23 *facts which, if proven, would constitute grounds for denial,*
24 *suspension or revocation of a license pursuant to this chapter,*
25 *investigate the actions of the licensee. If, after an investigation,*
26 *the Board decides to proceed with disciplinary action, the Board*
27 *may take action pursuant to this section.*

28 *2. A written notice of the hearing must be served on the*
29 *respondent not less than 30 days before the date of the hearing,*
30 *either personally or by mailing a copy thereof by registered or*
31 *certified mail to the address of the respondent last known to the*
32 *Board.*

33 *3. If, after having been served with the notice of hearing, the*
34 *respondent fails to appear at the hearing and defend, the Board*
35 *may proceed to hear evidence against the respondent and may*
36 *enter an order as is justified by the evidence. The order is final*
37 *unless the respondent petitions for a review thereof. Within 30*
38 *days after the date of any order, upon a showing of good cause for*
39 *failing to appear and defend, the Board may reopen the*
40 *proceedings and allow the respondent to submit evidence on his*
41 *behalf.*

42 *4. At any hearing a respondent may be represented before the*
43 *Board by counsel. The respondent is entitled, on application to the*
44 *Board, to the issuance of subpoenas to compel the attendance of*
45 *witnesses on his behalf.*



- 1 **Sec. 31. 1.** *After giving notice and conducting a hearing,*
2 *the Board may revoke, or suspend for a period of not more than 1*
3 *year, any license issued pursuant to this chapter on any one or a*
4 *combination of the following grounds:*
- 5 *(a) For providing false information or for failure to provide*
6 *information required to be provided on the application for a*
7 *license that is in effect or for other fraud or deception in obtaining*
8 *a license pursuant to the provisions of this chapter.*
- 9 *(b) For fraudulent, untruthful or misleading advertising.*
- 10 *(c) For conviction of a felony.*
- 11 *(d) For three or more forfeitures of any deposit of money or*
12 *collateral with a court or administrative agency or for a conviction*
13 *for a violation of any regulation of the United States Forest*
14 *Service or the Bureau of Land Management of the United States*
15 *Department of the Interior.*
- 16 *(e) For unethical or unprofessional conduct as defined by*
17 *regulations of the Board.*
- 18 *(f) For conviction of any violation of any state or federal law*
19 *or regulation relating to fish and game or outfitters and guides.*
- 20 *(g) For a substantial breach of any contract with any person*
21 *using the services of the licensee.*
- 22 *(h) For willfully:*
- 23 *(1) Operating in a geographical area for which the licensee*
24 *is not licensed; or*
- 25 *(2) Engaging in any activity for which the licensee is not*
26 *licensed.*
- 27 *(i) For the employment of an unlicensed guide by an outfitter.*
- 28 *(j) For the inhumane treatment of any animal used by the*
29 *outfitter or guide in the conduct of his business, including, without*
30 *limitation, the failure to provide the animal with proper food,*
31 *drink and shelter.*
- 32 *(k) For failure by any firm, partnership, corporation or other*
33 *organization, or any combination thereof, licensed as an outfitter*
34 *to have at least one natural person conducting its business as an*
35 *outfitter who meets the requirements for a license as an outfitter.*
- 36 *(l) For failure of an outfitter to serve the general public in any*
37 *of the following ways:*
- 38 *(1) By limiting its services to any natural person, group,*
39 *corporation or club that limits its services to a membership; or*
40 *(2) By not offering services to the general public.*
- 41 *(m) For any violation of or noncompliance with any applicable*
42 *provision of this chapter or any regulation of the Board adopted*
43 *pursuant to this chapter.*



1 2. *In addition to any other penalties prescribed by this*
2 *chapter, the Board may impose a civil penalty of not more than*
3 *\$5,000 for each violation. The Board may recover:*

4 (a) *Attorney's fees and costs incurred by the Board concerning*
5 *a hearing held pursuant to subsection 1 from a licensee if he is*
6 *found in violation thereof; and*

7 (b) *Attorney's fees and costs incurred in the recovery of a civil*
8 *penalty imposed.*

9 **Sec. 32.** *1. If the Board receives a copy of a court order*
10 *issued pursuant to NRS 425.540 that provides for the suspension*
11 *of all professional, occupational and recreational licenses,*
12 *certificates and permits issued to a person who is the holder of a*
13 *license issued pursuant to this chapter, the Board shall deem the*
14 *license issued to that person to be suspended at the end of the 30th*
15 *day after the date on which the court order was issued unless*
16 *the Board receives a letter issued to the holder of the license by the*
17 *district attorney or other public agency pursuant to NRS 425.550*
18 *stating that the holder of the certificate, registration, license or*
19 *permit has complied with the subpoena or warrant or has satisfied*
20 *the arrearage pursuant to NRS 425.560.*

21 2. *The Board shall reinstate a license issued pursuant to this*
22 *chapter that has been suspended by a district court pursuant to*
23 *NRS 425.540 if the Board receives a letter issued by the district*
24 *attorney or other public agency pursuant to NRS 425.550 to the*
25 *person whose license was suspended stating that the person whose*
26 *license was suspended has complied with the subpoena or warrant*
27 *or has satisfied the arrearage pursuant to NRS 425.560.*

28 **Sec. 33.** *Any person who is aggrieved by any action of the*
29 *Board in denying the issuance of, or in the suspension or*
30 *revocation of, a license pursuant to this chapter may appeal the*
31 *decision to the Board by filing a written request for a hearing*
32 *before the Board within 21 days after the Board takes action or*
33 *issues its decision concerning that action.*

34 **Sec. 34.** *1. Except as otherwise provided in this subsection*
35 *and section 10 of this act, a person shall not operate as an outfitter*
36 *or guide unless the person is licensed as an outfitter or guide, as*
37 *appropriate, pursuant to this chapter. Any natural person who*
38 *holds a license as an outfitter may operate as a guide without*
39 *possessing a license as a guide if he possesses the qualifications of*
40 *a guide as determined by the Board.*

41 2. *A person licensed to operate as an outfitter may conduct*
42 *his business as an outfitter only within the geographical area*
43 *described in his license.*

44 3. *Any person who is convicted of violating any of the*
45 *provisions of this chapter is guilty of a misdemeanor.*



1 **Sec. 35. 1. The Board or its designated agent may**
2 *commence and prosecute in district court a civil enforcement*
3 *action against any person who is alleged to have violated any*
4 *provision of this chapter or any regulation adopted pursuant to*
5 *this chapter. The Board is not required to initiate or prosecute an*
6 *administrative action before commencing and prosecuting a civil*
7 *action.*

8 **2. A civil proceeding may not be brought to recover for a**
9 *violation of any provision of this chapter or any regulation*
10 *adopted pursuant to this chapter more than 2 years after the*
11 *Board has knowledge of the violation.*

12 **3. Any person who is found to have violated any provision of**
13 *this chapter or any regulation adopted pursuant to this chapter*
14 *must be assessed the Board's costs, including the reasonable*
15 *attorney's services, for preparing and litigating the case.*

16 **Sec. 36.** NRS 622.010 is hereby amended to read as follows:
17 622.010 As used in this chapter, unless the context otherwise
18 requires, "occupational licensing board" includes, without
19 limitation:

- 20 1. The State Board of Architecture, Interior Design and
21 Residential Design.
- 22 2. The State Board of Landscape Architecture.
- 23 3. The State Contractors' Board.
- 24 4. The State Board of Professional Engineers and Land
25 Surveyors.
- 26 5. The Board of Registered Environmental Health Specialists.
- 27 6. The Nevada State Board of Accountancy.
- 28 7. The Board of Medical Examiners.
- 29 8. The Board of Homeopathic Medical Examiners.
- 30 9. The Board of Dental Examiners of Nevada.
- 31 10. The State Board of Nursing.
- 32 11. The State Board of Osteopathic Medicine.
- 33 12. The Chiropractic Physicians' Board of Nevada.
- 34 13. The State Board of Oriental Medicine.
- 35 14. The State Board of Podiatry.
- 36 15. The Nevada State Board of Optometry.
- 37 16. The Board of Dispensing Opticians.
- 38 17. The Board of Hearing Aid Specialists.
- 39 18. The Board of Examiners for Audiology and Speech
40 Pathology.
- 41 19. The Nevada State Board of Veterinary Medical Examiners.
- 42 20. The State Board of Pharmacy.
- 43 21. The State Board of Physical Therapy Examiners.
- 44 22. The Board of Occupational Therapy.
- 45 23. The Board of Psychological Examiners.



- 1 24. The Board of Examiners for Marriage and Family
- 2 Therapists.
- 3 25. The Board of Examiners for Social Workers.
- 4 26. The Board of Examiners for Alcohol and Drug Abuse
- 5 Counselors.
- 6 27. The State Board of Funeral Directors, Embalmers and
- 7 Operators of Cemeteries and Crematories.
- 8 28. The State Barbers' Health and Sanitation Board.
- 9 29. The State Board of Cosmetology.
- 10 30. The Real Estate Division of the Department of Business
- 11 and Industry.
- 12 31. The Commissioner of Financial Institutions.
- 13 32. The Private Investigator's Licensing Board.
- 14 33. The Health Division of the Department of Human
- 15 Resources.
- 16 34. The Nevada State Board of Examiners for Administrators
- 17 of Facilities for Long-Term Care.
- 18 35. The Certified Court Reporters' Board of Nevada.
- 19 **36. *The Board of Outfitters and Guides.***
- 20 **Sec. 37.** NRS 218.825 is hereby amended to read as follows:
- 21 218.825 1. Each of the boards and commissions created by
- 22 the provisions of chapters 623 to 625A, inclusive, 628 to 644,
- 23 inclusive, 654 and 656 of NRS ***and sections 2 to 35, inclusive, of***
- 24 ***this*** act shall engage the services of a certified public accountant or
- 25 public accountant, or firm of either of such accountants, to audit all
- 26 its fiscal records once each year for the preceding fiscal year or once
- 27 every other year for the 2 preceding fiscal years. The cost of the
- 28 audit must be paid by the board or commission audited.
- 29 2. A report of each such audit must be filed by the board or
- 30 commission with the Legislative Auditor and the Chief of the
- 31 Budget Division of the Department of Administration on or before
- 32 December 1 of each year in which an audit is conducted. All audits
- 33 must be conducted in accordance with generally accepted auditing
- 34 standards and all financial statements must be prepared in
- 35 accordance with generally accepted principles of accounting for
- 36 special revenue funds.
- 37 3. The Legislative Auditor shall audit the fiscal records of any
- 38 such board or commission whenever directed to do so by the
- 39 Legislative Commission. When the Legislative Commission directs
- 40 such an audit, it shall also determine who is to pay the cost of the
- 41 audit.
- 42 **Sec. 38.** NRS 284.013 is hereby amended to read as follows:
- 43 284.013 1. Except as otherwise provided in subsection 4, this
- 44 chapter does not apply to:



1 (a) Agencies, bureaus, commissions, officers or personnel in the
2 Legislative Department or the Judicial Department of State
3 Government, including the Commission on Judicial Discipline;

4 (b) Any person who is employed by a board, commission,
5 committee or council created in chapters 590, 623 to 625A,
6 inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS
7 ~~§~~ *and sections 2 to 35, inclusive of this act*; or

8 (c) Officers or employees of any agency of the Executive
9 Department of the State Government who are exempted by specific
10 statute.

11 2. Except as otherwise provided in subsection 3, the terms and
12 conditions of employment of all persons referred to in subsection 1,
13 including salaries not prescribed by law and leaves of absence,
14 including, without limitation, annual leave and sick and disability
15 leave, must be fixed by the appointing or employing authority
16 within the limits of legislative appropriations or authorizations.

17 3. Except as otherwise provided in this subsection, leaves of
18 absence prescribed pursuant to subsection 2 must not be of lesser
19 duration than those provided for other state officers and employees
20 pursuant to the provisions of this chapter. The provisions of this
21 subsection do not govern the Legislative Commission with respect
22 to the personnel of the Legislative Counsel Bureau.

23 4. Any board, commission, committee or council created in
24 chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive,
25 648, 652, 654 and 656 of NRS *and sections 2 to 35, inclusive, of*
26 *this act* which contracts for the services of a person, shall require the
27 contract for those services to be in writing. The contract must be
28 approved by the State Board of Examiners before those services
29 may be provided.

30 **Sec. 39.** Chapter 289 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *1. A person who is employed as an enforcement officer by the*
33 *Board of Outfitters and Guides pursuant to section 17 of this act is*
34 *a peace officer for the purposes of:*

35 *(a) Enforcing the provisions of sections 2 to 35, inclusive, of*
36 *this act and any regulations adopted pursuant thereto.*

37 *(b) Responding to requests from other law enforcement*
38 *agencies for assistance in enforcing other laws.*

39 *2. For purposes of this section, a request from a law*
40 *enforcement agency means a request relating to a specific*
41 *violation or suspicion of a violation of law and does not constitute*
42 *a continuous request for assistance outside the scope of*
43 *enforcement of the provisions of sections 2 to 35, inclusive, of this*
44 *act.*



1 **Sec. 40.** NRS 289.010 is hereby amended to read as follows:
2 289.010 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Choke hold" means the holding of a person's neck in a
5 manner specifically intended to restrict the flow of oxygen or blood
6 to the person's lungs or brain. The term includes the arm-bar
7 restraint, carotid restraint and lateral vascular neck restraint.

8 2. "Peace officer" means any person upon whom some or all of
9 the powers of a peace officer are conferred pursuant to NRS
10 289.150 to 289.360, inclusive ~~§~~, *and section 39 of this act.*

11 3. "Punitive action" means any action which may lead to
12 dismissal, demotion, suspension, reduction in salary, written
13 reprimand or transfer of a peace officer for purposes of punishment.

14 **Sec. 41.** NRS 353.005 is hereby amended to read as follows:

15 353.005 The provisions of this chapter do not apply to boards
16 created pursuant to chapters 623 to 625A, inclusive, 628, 630 to
17 640A, inclusive, 641 to 644, inclusive, 654 and 656 of NRS *and*
18 *sections 2 to 35, inclusive, of this act* and the officers and
19 employees thereof.

20 **Sec. 42.** NRS 353A.020 is hereby amended to read as follows:

21 353A.020 1. The Director, in consultation with the
22 Committee and Legislative Auditor, shall adopt a uniform system of
23 internal accounting and administrative control for agencies. The
24 elements of the system must include, without limitation:

25 (a) A plan of organization which provides for a segregation of
26 duties appropriate to safeguard the assets of the agency;

27 (b) A plan which limits access to assets of the agency to persons
28 who need the assets to perform their assigned duties;

29 (c) Procedures for authorizations and recordkeeping which
30 effectively control accounting of assets, liabilities, revenues and
31 expenses;

32 (d) A system of practices to be followed in the performance of
33 the duties and functions of each agency; and

34 (e) An effective system of internal review.

35 2. The Director, in consultation with the Committee and
36 Legislative Auditor, may modify the system whenever he considers
37 it necessary.

38 3. Each agency shall develop written procedures to carry out
39 the system of internal accounting and administrative control adopted
40 pursuant to this section.

41 4. For the purposes of this section, "agency" does not include:

42 (a) A board created by the provisions of chapters 623 to 625A,
43 inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654
44 and 656 of NRS ~~§~~ *and sections 2 to 35, inclusive, of this act.*

45 (b) The University and Community College System of Nevada.



- 1 (c) The Public Employees' Retirement System.
- 2 (d) The Housing Division of the Department of Business and
- 3 Industry.
- 4 (e) The Colorado River Commission of Nevada.

5 **Sec. 43.** NRS 353A.025 is hereby amended to read as follows:
6 353A.025 1. The head of each agency shall periodically
7 review the agency's system of internal accounting and
8 administrative control to determine whether it is in compliance with
9 the uniform system of internal accounting and administrative control
10 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

11 2. On or before July 1 of each even-numbered year, the head of
12 each agency shall report to the Director whether the agency's
13 system of internal accounting and administrative control is in
14 compliance with the uniform system adopted pursuant to subsection
15 1 of NRS 353A.020. The reports must be made available for
16 inspection by the members of the Legislature.

17 3. For the purposes of this section, "agency" does not include:

18 (a) A board created by the provisions of chapters 623 to 625A,
19 inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654
20 and 656 of NRS ~~H~~ *and sections 2 to 35, inclusive, of this act.*

21 (b) The University and Community College System of Nevada.

22 (c) The Public Employees' Retirement System.

23 (d) The Housing Division of the Department of Business and
24 Industry.

25 (e) The Colorado River Commission of Nevada.

26 4. The Director shall, on or before the first Monday in
27 February of each odd-numbered year, submit a report on the status
28 of internal accounting and administrative controls in agencies to the:

29 (a) Director of the Legislative Counsel Bureau for transmittal to
30 the:

31 (1) Senate Standing Committee on Finance; and

32 (2) Assembly Standing Committee on Ways and Means;

33 (b) Governor; and

34 (c) Legislative Auditor.

35 5. The report submitted by the Director pursuant to subsection
36 4 must include, without limitation:

37 (a) The identification of each agency that has not complied with
38 the requirements of subsections 1 and 2;

39 (b) The identification of each agency that does not have an
40 effective method for reviewing its system of internal accounting and
41 administrative control; and

42 (c) The identification of each agency that has weaknesses in its
43 system of internal accounting and administrative control, and the
44 extent and types of such weaknesses.



1 **Sec. 44.** NRS 353A.045 is hereby amended to read as follows:
2 353A.045 The Chief shall:
3 1. Report to the Director.
4 2. Develop long-term and annual work plans to be based on the
5 results of periodic documented risk assessments. The annual work
6 plan must list the agencies to which the Division will provide
7 training and assistance and be submitted to the Director for
8 approval. Such agencies must not include:
9 (a) A board created by the provisions of chapters 623 to 625A,
10 inclusive, 628, 630 to 640A, inclusive, 641 to 644, inclusive, 654
11 and 656 of NRS ~~§~~ *and sections 2 to 35, inclusive, of this act.*
12 (b) The University and Community College System of Nevada.
13 (c) The Public Employees' Retirement System.
14 (d) The Housing Division of the Department of Business and
15 Industry.
16 (e) The Colorado River Commission of Nevada.
17 3. Provide a copy of the approved annual work plan to the
18 Legislative Auditor.
19 4. In consultation with the Director, prepare a plan for auditing
20 executive branch agencies for each fiscal year and present the plan
21 to the Committee for its review and approval. Each plan for auditing
22 must:
23 (a) State the agencies which will be audited, the proposed scope
24 and assignment of those audits and the related resources which will
25 be used for those audits; and
26 (b) Ensure that the internal accounting, administrative controls
27 and financial management of each agency are reviewed periodically.
28 5. Perform the audits of the programs and activities of the
29 agencies in accordance with the plan approved pursuant to
30 subsection 5 of NRS 353A.038 and prepare audit reports of his
31 findings.
32 6. Review each agency that is audited pursuant to subsection 5
33 and advise those agencies concerning internal accounting,
34 administrative controls and financial management.
35 7. Submit to each agency that is audited pursuant to
36 subsection 5 analyses, appraisals and recommendations concerning:
37 (a) The adequacy of the internal accounting and administrative
38 controls of the agency; and
39 (b) The efficiency and effectiveness of the management of the
40 agency.
41 8. Report any possible abuses, illegal actions, errors, omissions
42 and conflicts of interest of which the Division becomes aware
43 during the performance of an audit.
44 9. Adopt the standards of the Institute of Internal Auditors for
45 conducting and reporting on audits.



1 10. Consult with the Legislative Auditor concerning the plan
2 for auditing and the scope of audits to avoid duplication of effort
3 and undue disruption of the functions of agencies that are audited
4 pursuant to subsection 5.

5 11. Appoint a Manager of Internal Controls.

6 **Sec. 45.** NRS 608.0116 is hereby amended to read as follows:

7 608.0116 "Professional" means pertaining to an employee who
8 is licensed or certified by the State of Nevada for and engaged in the
9 practice of law or any of the professions regulated by chapters 623
10 to 645, inclusive, of NRS ~~623~~ *and sections 2 to 35, inclusive, of this*
11 *act.*

12 **Sec. 46.** 1. Notwithstanding the provisions of sections 2 to
13 35, inclusive, of this act, a person who operates as an outfitter or
14 guide is not required to be licensed as an outfitter or guide pursuant
15 to the provisions of this act before July 1, 2004.

16 2. As used in this section:

17 (a) "Guide" has the meaning ascribed to it in section 5 of this
18 act.

19 (b) "Outfitter" has the meaning ascribed to it in section 9 of this
20 act.

21 **Sec. 47.** 1. Notwithstanding the provisions of section 11 of
22 this act, each initial member appointed to the Board of Outfitters
23 and Guides pursuant to paragraph (b) of subsection 2 of section 11
24 of this act is not required to be licensed pursuant to sections 2 to 35,
25 inclusive, of this act at the time of appointment, but must be eligible
26 for a license as an outfitter or guide at the time of appointment.

27 2. As soon as practicable after July 1, 2003:

28 (a) The Board of Wildlife Commissioners shall appoint to the
29 Board one member whose term expires on September 30, 2004; and

30 (b) The Governor shall appoint to the Board:

31 (1) Two members whose terms expire on September 30,
32 2005; and

33 (2) Two members whose terms expire on September 30,
34 2006.

35 **Sec. 48.** 1. This act becomes effective on July 1, 2003.

36 2. Sections 20 and 32 of this act expire by limitation on the
37 date on which the provisions of 42 U.S.C. § 666 requiring each state
38 to establish procedures under which the state has authority to
39 withhold or suspend, or to restrict the use of professional,
40 occupational and recreational licenses of persons who:

41 (a) Have failed to comply with a subpoena or warrant relating to
42 a proceeding to determine the paternity of a child or to establish or
43 enforce an obligation for the support of a child; or



1 (b) Are in arrears in the payment for the support of one or more
2 children,
3 are repealed by the Congress of the United States.

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