

SENATE BILL NO. 275—SENATOR GOICOECHEA

MARCH 13, 2019

JOINT SPONSOR: ASSEMBLYMAN ELLISON

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to licensing and regulation of master guides and subguides. (BDR 45-150)

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

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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 wildlife; creating the Board to License Master Guides and Subguides within the Department of Wildlife; transferring to the Board the powers and duties governing the licensing and regulation of master guides and subguides; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person who provides certain guide service relating to
2 hunting or fishing to obtain a master guide license from the Department of Wildlife
3 and each person who provides certain assistance to a master guide and acts as a
4 guide during the course of that activity is required to obtain a subguide license from
5 the Department. (NRS 504.390) **Sections 2-4** of this bill add internal references to
6 those licensing requirements. Existing law also authorizes the Board of Wildlife
7 Commissioners to adopt regulations concerning the conduct and operation of a
8 guide service. (NRS 504.390)
9 **Sections 7-10** of this bill create the Board to License Master Guides and
10 Subguides within the Department of Wildlife to consist of five members, all of
11 whom are appointed by the Governor. **Section 5** of this bill removes the fees
12 charged by the Department for a resident and nonresident master guide’s license
13 and resident and nonresident subguide’s license, which are instead added in **section**
14 **11** of this bill and paid to the Board. **Section 11** also provides for the use of those
15 fees by the Board and provides that those fees do not revert to the State General
16 Fund at the end of any fiscal year. **Section 1** of this bill makes a conforming
17 change. **Sections 11, 12 and 14** of this bill transfer the powers and duties relating to
18 the licensure and regulation of the activities of master guides and subguides from



19 the Department of Wildlife and the Board of Wildlife Commissioners to the Board
20 to License Master Guides and Subguides. **Section 13** of this bill removes an
21 additional penalty that was authorized for acting as a master guide or subguide
22 without a license.

23 **Section 15** of this bill makes current regulations of the Board of Wildlife
24 Commissioners continue until they are repealed, replaced or amended by the Board
25 to License Master Guides and Subguides. **Section 16** of this bill requires the
26 Governor to appoint members to the Board to License Master Guides and
27 Subguides as soon as practicable and provides for the staggering of the terms of the
28 members. **Section 17** of this bill ensures that current licenses remain valid until
29 they expire.

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

1 **Section 1.** NRS 501.356 is hereby amended to read as follows:

2 501.356 1. Money received by the Department from:

3 (a) The sale of licenses;

4 (b) Fees pursuant to the provisions of NRS 488.075 and
5 488.1795;

6 (c) Remittances from the State Treasurer pursuant to the
7 provisions of NRS 365.535;

8 (d) Appropriations made by the Legislature; and

9 (e) All other sources, including, without limitation, the Federal
10 Government, except money derived from the forfeiture of any
11 property described in NRS 501.3857 or money deposited in the
12 Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife
13 Trust Fund pursuant to NRS 501.3585, the Energy Planning and
14 Conservation Account created by NRS 701.630 or the Account for
15 the Recovery of Costs created by NRS 701.640,

16 ↪ must be deposited with the State Treasurer for credit to the
17 Wildlife Account in the State General Fund.

18 2. The interest and income earned on the money in the Wildlife
19 Account, after deducting any applicable charges, must be credited to
20 the Account.

21 3. Except as otherwise provided in subsection 4 and NRS
22 503.597, the Department may use money in the Wildlife Account
23 only to carry out the provisions of this title and chapter 488 of NRS
24 and as provided in NRS 365.535, and the money must not be
25 diverted to any other use.

26 4. Except as otherwise provided in NRS 502.250, 502.410 ,
27 ~~and~~ 504.155 ~~and~~ **and 504.390**, all fees for the sale or issuance of
28 stamps, tags, permits and licenses that are required to be deposited
29 in the Wildlife Account pursuant to the provisions of this title and
30 any matching money received by the Department from any source
31 must be accounted for separately and must be used:



1 (a) Only for the protection, propagation and management of
2 wildlife; and

3 (b) If the fee is for the sale or issuance of a license, permit or tag
4 other than a tag specified in subsection 5 or 6 of NRS 502.250,
5 under the guidance of the Commission pursuant to subsection 2 of
6 NRS 501.181.

7 **Sec. 2.** NRS 502.146 is hereby amended to read as follows:

8 502.146 As used in NRS 502.146 to 502.149, inclusive:

9 1. "Restricted nonresident deer hunt" means a deer hunt in
10 which a restricted nonresident deer hunter hunts with a ~~licensed~~
11 master guide or ~~licensed~~ subguide ~~who is licensed pursuant to~~
12 *NRS 504.390*.

13 2. "Restricted nonresident deer hunter" means a person who is
14 not a resident of this State and is issued a restricted nonresident deer
15 tag.

16 3. "Restricted nonresident deer tag" means a tag which is
17 issued to a nonresident for a restricted nonresident deer hunt.

18 **Sec. 3.** NRS 502.148 is hereby amended to read as follows:

19 502.148 1. Except as otherwise provided in this subsection,
20 any person who wishes to apply for a restricted nonresident deer tag
21 pursuant to NRS 502.147 must complete an application on a form
22 prescribed and furnished by the Department. A ~~licensed~~ master
23 guide *who is licensed pursuant to NRS 504.390* may complete the
24 application for an applicant. The application must be signed by the
25 applicant and the master guide who will be responsible for
26 conducting the restricted nonresident deer hunt.

27 2. The application must be accompanied by a fee for the tag of
28 \$300, plus any other fees which the Department may require. The
29 Commission shall establish the time limits and acceptable methods
30 for submitting such applications to the Department.

31 3. Any application for a restricted nonresident deer tag which
32 contains an error or omission must be rejected and the fee for the tag
33 returned to the applicant.

34 4. A person who is issued a restricted nonresident deer tag is
35 not eligible to apply for any other deer tag issued in this State for the
36 same hunting season as that restricted nonresident deer hunt.

37 5. All fees collected pursuant to this section must be deposited
38 with the State Treasurer for credit to the Wildlife Account in the
39 State General Fund.

40 **Sec. 4.** NRS 502.149 is hereby amended to read as follows:

41 502.149 A restricted nonresident deer hunter must be
42 accompanied at all times during the restricted nonresident deer hunt
43 by the ~~licensed~~ master guide *licensed pursuant to NRS 504.390*
44 who cosigned the application or one of the master guide's ~~licensed~~
45 subguides ~~who is licensed pursuant to that section~~.



1 **Sec. 5.** NRS 502.240 is hereby amended to read as follows:
2 502.240 1. The Department shall issue:

3 (a) Resident licenses and limited permits pursuant to this section
4 to any person who is a resident of this State pursuant to
5 NRS 502.015.

6 (b) Nonresident licenses and limited permits pursuant to this
7 section to any person who does not qualify as a resident of this State
8 pursuant to NRS 502.015.

9 2. ~~Except as otherwise provided in NRS 504.390, the~~ *The*
10 Department shall issue a license or permit to any person who is 18
11 years or older upon the payment of the following fee for:

12		
13	A resident annual fishing license.....	\$40
14	A resident 1-day permit to fish.....	9
15	Each consecutive day added to a resident 1-day	
16	permit to fish	3
17	A resident annual hunting license.....	38
18	A resident annual combination hunting and fishing	
19	license.....	75
20	A resident trapping license	40
21	A resident fur dealer's license	63
22	A resident master guide's license.....	750
23	A resident subguide's license	125
24	A nonresident annual fishing license.....	80
25	A nonresident annual license to fish solely in the	
26	reciprocal waters of the Colorado River, Lake	
27	Mead, Lake Mojave, Lake Tahoe and Topaz	
28	Lake.....	30
29	A nonresident 1-day permit to fish.....	18
30	Each consecutive day added to a nonresident 1-day	
31	permit to fish	7
32	A nonresident annual combination hunting and	
33	fishing license.....	155
34	A nonresident trapping license	188
35	A nonresident fur dealer's license	125
36	A nonresident master guide's license.....	1,500
37	A nonresident subguide's license	250
38	A nonresident 1-day combination permit to fish and	
39	hunt upland game birds and migratory game	
40	birds.....	23
41	Each consecutive day added to a nonresident 1-day	
42	combination permit to fish and hunt upland	
43	game birds and migratory game birds	8



3. The Department shall issue a license to any person who is at least 12 years of age but less than 18 years of age upon payment of the following fee for:

A resident youth combination hunting and fishing license.....	\$15
A resident youth trapping license.....	15
A nonresident youth combination hunting and fishing license.....	15

4. Except as otherwise provided in subsection 5, the Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of \$15 to:

(a) Any person who has been considered to be a resident of this State pursuant to NRS 502.015 continuously for the 5 years immediately preceding the date of application for the license and is 65 years of age or older.

(b) Any person who is a resident of this State pursuant to NRS 502.015 and who has a severe physical disability.

(c) Any person who is a resident of this State pursuant to NRS 502.015 and who has incurred a service-connected disability specified in NRS 502.072.

5. The Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of \$10 to any resident Native American of this State pursuant to NRS 502.280.

6. The Department shall issue to any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife	\$15
For a commercial or private shooting preserve	125
For a commercial license for the possession of live wildlife	500
For a live bait dealer's permit.....	44
For a competitive field trials permit	31
For a permit to train dogs or falcons	15
For a 1-year falconry license	38
For a 3-year falconry license	94
For an importation permit.....	15
For an import eligibility permit	31
For an exportation permit	15



1 For any other special permit issued by the
2 Department, a fee not to exceed the highest fee
3 established for any other special permit set by
4 the Commission.
5

6 7. As used in this section, "severe physical disability" means a
7 physical disability which materially limits a person's ability to
8 engage in gainful employment.

9 **Sec. 6.** Chapter 504 of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 7 to 10, inclusive, of this
11 act.

12 **Sec. 7.** *As used in NRS 504.390 to 504.398, inclusive, and*
13 *sections 7 to 10, inclusive, of this act, "Board" means the Board to*
14 *License Master Guides and Subguides created by section 8 of this*
15 *act.*

16 **Sec. 8. 1.** *The Board to License Master Guides and*
17 *Subguides, consisting of five members appointed by the Governor,*
18 *is hereby created within the Department.*

19 *2. The Governor shall appoint to the Board:*

20 *(a) Two members who are master guides and who hold*
21 *licenses issued pursuant to NRS 504.390;*

22 *(b) One member who has engaged the services of a person who*
23 *is licensed as a master guide pursuant to NRS 504.390 within the*
24 *3 years immediately preceding the member's appointment;*

25 *(c) One member who is a member of the Commission; and*

26 *(d) One member from a list of game wardens submitted by the*
27 *Director.*

28 *3. After the initial terms, the term of each member of the*
29 *Board is 4 years. A member may continue in office until the*
30 *appointment of a successor.*

31 *4. A member of the Board may not serve more than two*
32 *consecutive terms.*

33 *5. A vacancy must be filled by appointment for the unexpired*
34 *term in the same manner as the original appointment.*

35 *6. The Governor may remove any member of the Board for*
36 *incompetence, neglect of duty, moral turpitude or misfeasance,*
37 *malfesance or nonfesance in office.*

38 **Sec. 9. 1.** *At its first meeting each year, the members of the*
39 *Board shall elect a Chair and Vice Chair, who serve until the next*
40 *Chair and Vice Chair are elected. The Board shall meet as*
41 *necessary at the call of the Chair or a majority of the members of*
42 *the Board.*

43 *2. A majority of the members of the Board constitutes a*
44 *quorum for the transaction of business, and a majority of those*



1 *members present at any meeting is sufficient for any official*
2 *action taken by the Board.*

3 *3. While engaged in the business of the Board, to the extent*
4 *of legislative appropriation and any other money available for that*
5 *purpose, each member of the Board is entitled to receive the per*
6 *diem allowance and travel expenses provided for state officers and*
7 *employees generally.*

8 *4. To the extent of legislative appropriation and any other*
9 *money available for that purpose, the Department shall provide*
10 *the Board with such staff as is necessary to carry out the duties of*
11 *the Board.*

12 **Sec. 10. The Board shall:**

13 *1. Adopt such regulations as are necessary to carry out the*
14 *provisions of NRS 504.390 to 504.398, inclusive, and sections 7 to*
15 *10, inclusive, of this act, including, without limitation, regulations*
16 *governing the conduct and operation of a guide service; and*

17 *2. Take any other action necessary to carry out those*
18 *provisions.*

19 **Sec. 11.** NRS 504.390 is hereby amended to read as follows:

20 504.390 1. As used in this section, unless the context
21 otherwise requires:

22 (a) "Compensation" means any remuneration given in exchange
23 for providing guide service which is predicated on a business
24 relationship between the parties. The term does not include any
25 reimbursement for shared trip expenses, including, without
26 limitation, expenses for gasoline, food or any other costs that are
27 generally associated with persons who are engaging in recreational
28 hunting or fishing together.

29 (b) "Guide" means to assist another person for compensation in
30 hunting wild mammals or wild birds and fishing and includes the
31 transporting of another person or the person's equipment to hunting
32 and fishing locations within a general hunting and fishing area
33 whether or not the guide determines the destination or course of
34 travel.

35 2. Each person who provides guide service for compensation or
36 provides guide service as an incidental service to customers of any
37 commercial enterprise, whether a direct fee is charged for the guide
38 service or not, must obtain a master guide license from the
39 ~~{Department.}~~ **Board.** Such a license must not be issued to any
40 person who has not reached 21 years of age.

41 3. Except as otherwise provided in this subsection, each person
42 who assists a person who is required to have a master guide license
43 and acts as a guide in the course of that activity must obtain a
44 subguide license from the ~~{Department.}~~ **Board.** Such a license must



1 not be issued to any person who has not reached 18 years of age.
2 The provisions of this subsection do not apply to a person who:

3 (a) Is employed by or assists a person who holds a master guide
4 license solely for the purpose of cooking, cutting wood, caring for,
5 grooming or saddling livestock, or transporting a person by motor
6 vehicle to or from a public facility for transportation, including,
7 without limitation, a public airport.

8 (b) Holds a master guide license which authorizes the person to
9 provide services for the same species and in the same areas as the
10 guide who employs him or her or requests the person's assistance
11 and has submitted to the ~~{Department}~~ **Board** a notarized statement
12 which indicates that the person is employed by or provides
13 assistance to the guide. The statement must be signed by both
14 guides.

15 4. ~~{Fees for}~~ **The Board shall issue a** master guide ~~{and}~~
16 **license or** subguide ~~{licenses must be as provided in NRS 502.240.}~~
17 **license upon the payment of a fee of:**

18 (a) **For a person who is a bona fide resident of the State of**
19 **Nevada:**

20
21 **For an annual master guide license \$750**
22 **For an annual subguide license..... 125**

23
24 (b) **For a person who is not a bona fide resident of the State of**
25 **Nevada:**

26
27 **For an annual master guide license \$1,500**
28 **For an annual subguide license..... 250**

29
30 5. Any person who desires a master guide license must apply
31 for the license on a form prescribed and furnished by the
32 ~~{Department.}~~ **Board**. The application must contain the social
33 security number of the applicant and such other information as the
34 ~~{Commission}~~ **Board** may require by regulation. If that person was
35 not licensed as a master guide during the previous licensing year,
36 the person's application must be accompanied by a nonrefundable
37 fee of \$1,500.

38 6. Any person who desires a subguide license must apply for
39 the license on a form prescribed and furnished by the ~~{Department.}~~
40 **Board**. If that person was not licensed as a subguide during the
41 previous licensing year, the person's application must be
42 accompanied by a nonrefundable fee of \$50.

43 7. It is unlawful for the holder of a master guide license to
44 operate in any area where a special use permit is required without



1 first obtaining a permit unless the holder is employed by or
2 providing assistance to a guide pursuant to subsection 3.

3 8. The holder of a master guide license shall maintain records
4 of the number of hunters and anglers served, and any other
5 information which the ~~{Department}~~ *Board* may require concerning
6 fish and game taken by such persons. The information must be
7 furnished to the ~~{Department}~~ *Board* on request.

8 9. If any licensee under this section, or person served by a
9 licensee, is convicted of a violation of any provision of this title or
10 chapter 488 of NRS, the ~~{Commission}~~ *Board* may revoke the
11 license of the licensee and may refuse issuance of another license to
12 the licensee for a period not to exceed 5 years.

13 10. ~~{The Commission may adopt regulations covering the~~
14 ~~conduct and operation of a guide service.~~

15 ~~—11.~~ The ~~{Department}~~ *Board* may issue master guide and
16 subguide licenses that are valid only in certain management areas,
17 management units or administrative regions in such a manner as
18 may be determined by the regulations of the ~~{Commission.}~~ *Board*.

19 *11. Any money received by the Board for the payment of fees*
20 *pursuant to this section must be accounted for separately,*
21 *deposited with the State Treasurer for credit to the Wildlife*
22 *Account and used by the Board to carry out the provisions of NRS*
23 *504.390 to 504.398, inclusive, and sections 7 to 10, inclusive, of*
24 *this act.*

25 *12. The money in the Wildlife Account credited pursuant to*
26 *this section remains in the Account and does not revert to the State*
27 *General Fund at the end of any fiscal year.*

28 **Sec. 12.** NRS 504.393 is hereby amended to read as follows:

29 504.393 The ~~{Department}~~ *Board* shall, upon request of the
30 Division of Welfare and Supportive Services of the Department of
31 Health and Human Services, submit to the Division of Welfare and
32 Supportive Services the name, address and social security number of
33 each person who holds a master guide license or subguide license
34 and any pertinent changes in that information.

35 **Sec. 13.** NRS 504.395 is hereby amended to read as follows:

36 504.395 1. Any person who purposefully or knowingly acts
37 as a master guide or as a subguide without first obtaining a license
38 pursuant to NRS 504.390 is guilty of:

39 (a) For a first offense, a gross misdemeanor.

40 (b) For a second or subsequent offense, a category E felony and
41 shall be punished as provided in NRS 193.130.

42 2. Any vessel, vehicle, aircraft, pack or riding animal or other
43 equipment used by a person operating in violation of subsection 1 is
44 subject to forfeiture upon the conviction of that person of a gross
45 misdemeanor or felony if that person knew or should have known



1 that the vessel, vehicle, aircraft, animal or equipment would be used
2 in violation of subsection 1.

3 ~~{3.— In addition to any penalty imposed pursuant to subsection 1,
4 if a person is convicted of violating a provision of that subsection,
5 the Commission shall:~~

6 ~~— (a) Revoke any license, permit or privilege issued to that person
7 pursuant to this title; and~~

8 ~~— (b) Refuse to issue any new license, permit or privilege to the
9 person for 5 years after the date of the conviction.]~~

10 **Sec. 14.** NRS 504.398 is hereby amended to read as follows:

11 504.398 1. If the ~~{Department}~~ **Board** receives a copy of a
12 court order issued pursuant to NRS 425.540 that provides for the
13 suspension of all professional, occupational and recreational
14 licenses, certificates and permits issued to a person who is the
15 holder of a master guide license or subguide license, the
16 ~~{Department}~~ **Board** shall deem the license issued to that person to
17 be suspended at the end of the 30th day after the date on which the
18 court order was issued unless the ~~{Department}~~ **Board** receives a
19 letter issued to the holder of the license by the district attorney or
20 other public agency pursuant to NRS 425.550 stating that the holder
21 of the license has complied with the subpoena or warrant or has
22 satisfied the arrearage pursuant to NRS 425.560.

23 2. The ~~{Department}~~ **Board** shall reinstate a master guide
24 license or subguide license that has been suspended by a district
25 court pursuant to NRS 425.540 if the ~~{Department}~~ **Board** receives a
26 letter issued by the district attorney or other public agency pursuant
27 to NRS 425.550 to the person whose license was suspended stating
28 that the person whose license was suspended has complied with the
29 subpoena or warrant or has satisfied the arrearage pursuant to
30 NRS 425.560.

31 **Sec. 15.** 1. Any administrative regulations adopted by the
32 Board of Wildlife Commissioners relating to the licensing or
33 activities of a master guide or subguide remain in force until
34 repealed, replaced or amended by the Board to License Master
35 Guides and Subguides within the Department of Wildlife created by
36 section 8 of this act.

37 2. Any contracts or other agreements entered into by the Board
38 of Wildlife Commissioners or the Department of Wildlife relating to
39 the licensing or activities of a master guide or subguide are binding
40 upon the Board to License Master Guides and Subguides. Such
41 contracts and other agreements may be enforced by the Board to
42 License Master Guides and Subguides.

43 3. Any action taken by the Board of Wildlife Commissioners
44 or the Department of Wildlife relating to the licensing or activities



1 of a master guide or subguide remains in effect as if taken by the
2 Board to License Master Guides and Subguides.

3 **Sec. 16.** As soon as practicable after the effective date of this
4 act, the Governor shall appoint to the Board to License Master
5 Guides and Subguides within the Department of Wildlife created by
6 section 8 of this act:

- 7 1. One member to an initial term that expires on July 1, 2021;
8 2. Two members to initial terms that expire on July 1, 2022;
9 and
10 3. Two members to initial terms that expire on July 1, 2023.

11 **Sec. 17.** A master guide license or subguide license that is
12 valid on July 1, 2019, and was issued by the Department of Wildlife
13 shall be deemed to be a master guide license or subguide license, as
14 applicable, issued by the Board to License Master Guides and
15 Subguides pursuant to NRS 504.390, as amended by section 11 of
16 this act, and remains valid until its expiration date, if the holder of
17 the license otherwise remains qualified to hold the license on or
18 after July 1, 2019.

19 **Sec. 18.** This act becomes effective:

- 20 1. Upon passage and approval for the purpose of adopting
21 regulations and performing any other preparatory administrative
22 tasks that are necessary to carry out the provisions of this act; and
23 2. On July 1, 2019, for all other purposes.

