

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.

~

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

AN ACT relating to wildlife; creating the Advisory Guide Board within the Department of Wildlife; authorizing the Department to submit any application for a master guide license or subguide license to the Advisory Guide Board for its recommendations; revising certain additional penalties for purposefully or knowingly acting as a master guide or subguide without a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a person who provides certain guide services 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 to obtain a subguide license from the
5 Department. Existing law also authorizes the Board of Wildlife Commissioners to
6 adopt regulations concerning the conduct and operation of a guide service.
7 (NRS 504.390)

8 **Section 8** of this bill creates the Advisory Guide Board within the Department
9 of Wildlife to consist of the chief law enforcement officer of the Department or his
10 or her designee, who serves as an ex officio member, and four members appointed
11 by the Governor. **Section 10** of this bill sets forth the duties of the Board. **Section**
12 **13** of this bill authorizes, rather than requires, the Commission to impose an
13 additional penalty against a person for acting as a master guide or subguide without
14 a license.



15 **Section 16** of this bill requires the Governor to appoint members to the
16 Advisory Guide Board as soon as practicable after July 1, 2019, and provides for
17 the staggering of the terms of the members.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

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

9 **Sec. 7.** *As used in NRS 504.390 to 504.398, inclusive, and*
10 *sections 7 to 10, inclusive, of this act, "Board" means the Advisory*
11 *Guide Board created by section 8 of this act.*

12 **Sec. 8. 1.** *The Advisory Guide Board, consisting of five*
13 *members, is hereby created within the Department.*

14 **2.** *The membership of the Advisory Guide Board consists of:*

15 *(a) The chief law enforcement officer of the Department or his*
16 *or her designee who serves as an ex officio voting member; and*

17 *(b) Four members appointed by the Governor as follows:*

18 *(1) Two members who are licensed master guides;*

19 *(2) One member who has engaged the services of a licensed*
20 *master guide within the 3 years immediately preceding the*
21 *member's appointment; and*

22 *(3) One member who is a member of the Commission.*

23 **3.** *After the initial terms, the term of each appointed member*
24 *of the Board is 4 years. Such a member may continue in office*
25 *until the appointment of a successor.*

26 **4.** *An appointed member of the Board may not serve more*
27 *than two consecutive terms.*

28 **5.** *A vacancy occurring in the appointed membership of the*
29 *Board must be filled by appointment for the unexpired term in the*
30 *same manner as the original appointment.*

31 **6.** *The Governor may remove any appointed member of the*
32 *Board for incompetence, neglect of duty, moral turpitude or*
33 *misfeasance, malfeasance or nonfeasance in office.*

34 **Sec. 9. 1.** *At its first meeting each year, the members of the*
35 *Board shall elect a Chair and Vice Chair, who serve until the next*
36 *Chair and Vice Chair are elected. The Board may hold not more*
37 *than six meetings each year.*



1 2. A majority of the members of the Board constitutes a
2 quorum for the transaction of business, and a majority of those
3 members present at any meeting is sufficient for any official
4 action taken by the Board.

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

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

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

15 1. As soon as practicable after receiving an application for a
16 master guide license or subguide license pursuant to NRS
17 504.390, review the application and recommend to the Department
18 whether to grant or deny the application;

19 2. As soon as practicable after receiving any complaint
20 submitted to the Department concerning a licensed master guide
21 or subguide or any other matter relating to the conduct and
22 operation of a guide service, review the complaint and make
23 recommendations to the Department concerning the complaint;

24 3. Periodically, or upon request by the Commission or
25 Department, provide advice and make any recommendations
26 necessary to assist the Commission or Department in carrying out
27 the provisions of NRS 504.390 to 504.398, inclusive, and sections
28 7 to 10, inclusive, of this act, including, without limitation, advice
29 and recommendations regarding the adoption of any regulations
30 governing the conduct and operation of a guide service; and

31 4. Take any other advisory action required by the
32 Commission or Department concerning the licensing of a master
33 guide or subguide.

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

35 504.390 1. As used in this section, unless the context
36 otherwise requires:

37 (a) "Compensation" means any remuneration given in exchange
38 for providing guide service which is predicated on a business
39 relationship between the parties. The term does not include any
40 reimbursement for shared trip expenses, including, without
41 limitation, expenses for gasoline, food or any other costs that are
42 generally associated with persons who are engaging in recreational
43 hunting or fishing together.

44 (b) "Guide" means to assist another person for compensation in
45 hunting wild mammals or wild birds and fishing and includes the



1 transporting of another person or the person's equipment to hunting
2 and fishing locations within a general hunting and fishing area
3 whether or not the guide determines the destination or course of
4 travel.

5 2. Each person who provides guide service for compensation or
6 provides guide service as an incidental service to customers of any
7 commercial enterprise, whether a direct fee is charged for the guide
8 service or not, must obtain a master guide license from the
9 Department. Such a license must not be issued to any person who
10 has not reached 21 years of age.

11 3. Except as otherwise provided in this subsection, each person
12 who assists a person who is required to have a master guide license
13 and acts as a guide in the course of that activity must obtain a
14 subguide license from the Department. Such a license must not be
15 issued to any person who has not reached 18 years of age. The
16 provisions of this subsection do not apply to a person who:

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

22 (b) Holds a master guide license which authorizes the person to
23 provide services for the same species and in the same areas as the
24 guide who employs him or her or requests the person's assistance
25 and has submitted to the Department a notarized statement which
26 indicates that the person is employed by or provides assistance to
27 the guide. The statement must be signed by both guides.

28 4. Fees for master guide and subguide licenses must be as
29 provided in NRS 502.240.

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. The application must contain the social security
33 number of the applicant and such other information as the
34 Commission may require by regulation. If that person was not
35 licensed as a master guide during the previous licensing year, the
36 person's application must be accompanied by a nonrefundable fee of
37 \$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. If
40 that person was not licensed as a subguide during the previous
41 licensing year, the person's application must be accompanied by a
42 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 may require concerning fish and
6 game taken by such persons. The information must be furnished to
7 the Department 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 may revoke the license of the
11 licensee and may refuse issuance of another license to the licensee
12 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 may ~~issue~~:

16 (a) *Submit any application received by the Department for a*
17 *master guide license or subguide license to the Board for its*
18 *recommendations pursuant to section 10 of this act.*

19 (b) *Issue* master guide and subguide licenses that are valid only
20 in certain management areas, management units or administrative
21 regions in such a manner as may be determined by the regulations of
22 the Commission.

23 **Sec. 12.** (Deleted by amendment.)

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

25 504.395 1. Any person who purposefully or knowingly acts
26 as a master guide or as a subguide without first obtaining a license
27 pursuant to NRS 504.390 is guilty of:

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

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

31 2. Any vessel, vehicle, aircraft, pack or riding animal or other
32 equipment used by a person operating in violation of subsection 1 is
33 subject to forfeiture upon the conviction of that person of a gross
34 misdemeanor or felony if that person knew or should have known
35 that the vessel, vehicle, aircraft, animal or equipment would be used
36 in violation of subsection 1.

37 3. In addition to any penalty imposed pursuant to subsection 1,
38 if a person is convicted of violating a provision of that subsection,
39 the Commission ~~shall~~ *may*:

40 (a) Revoke any license, permit or privilege issued to that person
41 pursuant to this title; and

42 (b) Refuse to issue any new license, permit or privilege to the
43 person for 5 years after the date of the conviction.

44 **Sec. 14.** (Deleted by amendment.)

45 **Sec. 15.** (Deleted by amendment.)



- 1 **Sec. 16.** As soon as practicable after July 1, 2019, the
2 Governor shall appoint to the Advisory Guide Board within the
3 Department of Wildlife created by section 8 of this act:
4 1. Two members to initial terms that expire on July 1, 2022;
5 and
6 2. Two members to initial terms that expire on July 1, 2023.
7 **Sec. 17.** (Deleted by amendment.)
8 **Sec. 18.** This act becomes effective on July 1, 2019.

Ⓢ

