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SENATE BILL NO. 263—SENATOR GOICOECHEA

MARCH 14, 2017

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JOINT SPONSOR: ASSEMBLYMAN ELLISON

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Referred to Committee on Natural Resources

SUMMARY—Creates the Board to License Master Guides and Subguides within the Department of Wildlife. (BDR 45-208)

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.

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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 of the Department of Wildlife governing the licensing and regulation of master guides and subguides; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, each person who provides certain guide service relating to  
2 hunting or fishing is required to obtain a master guide license from the Department  
3 of Wildlife and each person who provides certain assistance to a master guide and  
4 acts as a guide during the course of that activity is required to obtain a subguide  
5 license from the Department. Fees for the application for and issuance of such  
6 licenses are prescribed in existing law. (NRS 502.240, 504.390) Under existing  
7 law, the Board of Wildlife Commissioners is authorized to adopt regulations  
8 concerning the conduct and operation of a guide service. (NRS 504.390)  
9 **Sections 3-6** of this bill create the Board to License Master Guides and  
10 Subguides within the Department of Wildlife, which consists of five members  
11 appointed by the Governor. **Sections 7-10** of this bill transfer from the Department  
12 of Wildlife to the Board to License Master Guides and Subguides the powers and  
13 duties relating to licensure and regulation of the activities of master guides and  
14 subguides.



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

1       **Section 1.** NRS 502.240 is hereby amended to read as follows:  
2       502.240 The Department shall issue annual licenses and  
3 limited permits:

4       1. To any person who has not attained his or her 16th birthday  
5 and who has been a bona fide resident of the State of Nevada for 6  
6 months immediately preceding the person’s application for a  
7 license, upon payment of a fee of \$10 for an annual trapping license.

8       2. Except as otherwise provided in NRS 502.083 ~~and~~ **and**  
9 502.245, ~~and 504.390,~~ to any person who has attained his or her  
10 16th birthday and who has been a bona fide resident of the State of  
11 Nevada for 6 months immediately preceding the person’s  
12 application for a license, upon the payment of a fee of:

13		
14	For an annual fishing license.....	\$25
15	For a 1-day permit to fish.....	8
16	For each consecutive day added to a 1-day	
17	permit to fish.....	3
18	For a hunting license.....	29
19	For a combined hunting and fishing license.....	50
20	For a trapping license.....	38
21	For a fur dealer’s license.....	63
22	<del>For an annual master guide’s license.....</del>	<del>750</del>
23	<del>For an annual subguide’s license.....</del>	<del>125</del>
24		

25       3. To any person who has attained his or her 12th birthday but  
26 who has not attained his or her 16th birthday, and who is not a bona  
27 fide resident of the State of Nevada, upon the payment of a fee of  
28 \$17 for an annual fishing license.

29       4. Except as otherwise provided in subsection 3 and NRS  
30 502.083, to any person who is not a bona fide resident of the State  
31 of Nevada, upon the payment of a fee of:

32		
33	For an annual fishing license.....	\$65
34	For a 1-day permit to fish.....	17
35	For each consecutive day added to a 1-day	
36	permit to fish.....	7
37	For an annual license to fish solely in the	
38	reciprocal waters of the Colorado River, Lake	
39	Mead, Lake Mohave, Lake Tahoe and Topaz	
40	Lake.....	25
41	For a hunting license.....	138
42	For a combined hunting and fishing license.....	195



1	For an annual trapper’s license.....	\$188
2	For a fur dealer’s license .....	125
3	<del>For an annual master guide’s license .....</del>	<del>1,500</del>
4	<del>For an annual subguide’s license.....</del>	<del>250</del>
5	For a 1-day permit to hunt upland game and	
6	migratory game birds .....	20
7	For each consecutive day added to a 1-day	
8	permit to hunt upland game and migratory	
9	game birds .....	8

10  
11       5. To any person, without regard to residence, upon the  
12 payment of a fee of:  
13

14	For a noncommercial license for the possession	
15	of live wildlife .....	\$15
16	For a commercial or private shooting preserve .....	125
17	For a commercial license for the possession of	
18	live wildlife .....	500
19	For a live bait dealer’s permit.....	44
20	For a competitive field trials permit .....	31
21	For a permit to train dogs or falcons .....	15
22	For a 1-year falconry license .....	38
23	For a 3-year falconry license .....	94
24	For an importation permit.....	15
25	For an import eligibility permit .....	31
26	For an exportation permit .....	15
27	For any other special permit issued by the	
28	Department, a fee not to exceed the highest	
29	fee established for any other special permit	
30	set by the Commission.	

31       **Sec. 2.** Chapter 504 of NRS is hereby amended by adding  
32 thereto the provisions set forth as sections 3 to 6, inclusive, of this  
33 act.

34       **Sec. 3.** *As used in NRS 504.390 to 504.398, inclusive, and*  
35 *sections 3 to 6, inclusive, of this act, “Board” means the Board to*  
36 *License Master Guides and Subguides created by section 4 of this*  
37 *act.*

38       **Sec. 4. 1.** *The Board to License Master Guides and*  
39 *Subguides, consisting of five members appointed by the Governor,*  
40 *is hereby created within the Department.*

41       **2.** *The Governor shall appoint to the Board:*  
42       **(a)** *Two members who are master guides or subguides and who*  
43 *hold licenses issued pursuant to NRS 504.390;*



1 (b) *One member who has engaged the services of a master*  
2 *guide or subguide within the 3 years immediately preceding the*  
3 *member's appointment;*

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

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

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

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

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

14 6. *The Governor may remove any member of the Board for*  
15 *incompetence, neglect of duty, moral turpitude or misfeasance,*  
16 *malfeasance or nonfeasance in office.*

17 **Sec. 5. 1.** *At its first meeting each year, the members of the*  
18 *Board shall elect a Chair and Vice Chair, who serve until the next*  
19 *Chair and Vice Chair are elected. The Board shall meet as*  
20 *necessary at the call of the Chair or a majority of the members of*  
21 *the Board.*

22 2. *A majority of the members of the Board constitutes a*  
23 *quorum for the transaction of business and a majority of those*  
24 *members present at any meeting is sufficient for any official*  
25 *action taken by the Board.*

26 3. *While engaged in the business of the Board, to the extent*  
27 *of legislative appropriation, each member of the Board is entitled*  
28 *to receive the per diem allowance and travel expenses provided for*  
29 *state officers and employees generally.*

30 4. *To the extent of legislative appropriation, the Department*  
31 *shall provide the Board with such staff as is necessary to carry out*  
32 *the duties of the Board.*

33 **Sec. 6. The Board shall:**

34 1. *Adopt such regulations as are necessary to carry out the*  
35 *provisions of NRS 504.390 to 504.398, inclusive, and sections 3 to*  
36 *6, inclusive, of this act, including, without limitation, regulations*  
37 *governing the conduct and operation of a guide service; and*

38 2. *Take any other action necessary to carry out those*  
39 *provisions.*

40 **Sec. 7.** NRS 504.390 is hereby amended to read as follows:

41 504.390 1. As used in this section, unless the context  
42 otherwise requires:

43 (a) "Compensation" means any remuneration given in exchange  
44 for providing guide service which is predicated on a business  
45 relationship between the parties. The term does not include any



1 reimbursement for shared trip expenses, including, without  
2 limitation, expenses for gasoline, food or any other costs that are  
3 generally associated with persons who are engaging in recreational  
4 hunting or fishing together.

5 (b) "Guide" means to assist another person for compensation in  
6 hunting wild mammals or wild birds and fishing and includes the  
7 transporting of another person or the person's equipment to hunting  
8 and fishing locations within a general hunting and fishing area  
9 whether or not the guide determines the destination or course of  
10 travel.

11 2. Each person who provides guide service for compensation or  
12 provides guide service as an incidental service to customers of any  
13 commercial enterprise, whether a direct fee is charged for the guide  
14 service or not, must obtain a master guide license from the  
15 ~~{Department}~~ Board. Such a license must not be issued to any  
16 person who has not reached 21 years of age.

17 3. Except as otherwise provided in this subsection, each person  
18 who assists a person who is required to have a master guide license  
19 and acts as a guide in the course of that activity must obtain a  
20 subguide license from the ~~{Department}~~ Board. Such a license must  
21 not be issued to any person who has not reached 18 years of age.  
22 The provisions of this subsection do not apply to a person who:

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

28 (b) Holds a master guide license which authorizes the person to  
29 provide services for the same species and in the same areas as the  
30 guide who employs him or her or requests the person's assistance  
31 and has submitted to the ~~{Department}~~ Board a notarized statement  
32 which indicates that the person is employed by or provides  
33 assistance to the guide. The statement must be signed by both  
34 guides.

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

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

40 *For an annual master guide license ..... \$750*

41 *For an annual subguide license..... 125*

42 (b) *For a person who is not a bona fide resident of the State of*  
43 *Nevada:*

44 *For an annual master guide license ..... \$1500*

45 *For an annual subguide license..... 250*



1 5. Any person who desires a master guide license must apply  
2 for the license on a form prescribed and furnished by the  
3 ~~{Department}~~ Board. The application must contain the social  
4 security number of the applicant and such other information as the  
5 ~~{Commission}~~ Board may require by regulation. If that person was  
6 not licensed as a master guide during the previous licensing year,  
7 the person's application must be accompanied by a nonrefundable  
8 fee of \$1,500.

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

14 7. It is unlawful for the holder of a master guide license to  
15 operate in any area where a special use permit is required without  
16 first obtaining a permit unless the holder is employed by or  
17 providing assistance to a guide pursuant to subsection 3.

18 8. The holder of a master guide license shall maintain records  
19 of the number of hunters and anglers served, and any other  
20 information which the ~~{Department}~~ Board may require concerning  
21 fish and game taken by such persons. The information must be  
22 furnished to the ~~{Department}~~ Board on request.

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

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

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

34 **Sec. 8.** NRS 504.393 is hereby amended to read as follows:

35 504.393 The ~~{Department}~~ Board shall, upon request of the  
36 Division of Welfare and Supportive Services of the Department of  
37 Health and Human Services, submit to the Division of Welfare and  
38 Supportive Services the name, address and social security number of  
39 each person who holds a master guide license or subguide license  
40 and any pertinent changes in that information.

41 **Sec. 9.** NRS 504.395 is hereby amended to read as follows:

42 504.395 1. Any person who purposefully or knowingly acts  
43 as a master guide or as a subguide without first obtaining a license  
44 pursuant to NRS 504.390 is guilty of:

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



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

3 2. Any vessel, vehicle, aircraft, pack or riding animal or other  
4 equipment used by a person operating in violation of subsection 1 is  
5 subject to forfeiture upon the conviction of that person of a gross  
6 misdemeanor or felony if that person knew or should have known  
7 that the vessel, vehicle, aircraft, animal or equipment would be used  
8 in violation of subsection 1.

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

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

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

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

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

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

37 **Sec. 11.** 1. Any administrative regulations adopted by the  
38 Board of Wildlife Commissioners relating to the licensing or  
39 activities of a master guide or subguide remain in force until  
40 amended by the Board to License Master Guides and Subguides  
41 within the Department of Wildlife created by section 4 of this act.

42 2. Any contracts or other agreements entered into by the Board  
43 of Wildlife Commissioners or the Department of Wildlife relating to  
44 the licensing or activities of a master guide or subguide are binding  
45 upon the Board to License Master Guides and Subguides. Such



1 contracts and other agreements may be enforced by the Board to  
2 License Master Guides and Subguides.

3 3. Any action taken by the Board of Wildlife Commissioners  
4 or the Department of Wildlife relating to the licensing or activities  
5 of a master guide or subguide remains in effect as if taken by the  
6 Board to License Master Guides and Subguides.

7 **Sec. 12.** As soon as practicable after the effective date of this  
8 act, the Governor shall appoint to the Board to License Master  
9 Guides and Subguides within the Department of Wildlife created by  
10 section 4 of this act:

11 1. One member to an initial term that expires on July 1, 2019;

12 2. Two members to initial terms that expire on July 1, 2020;  
13 and

14 3. Two members to initial terms that expire on July 1, 2021.

15 **Sec. 13.** A master guide license or subguide license that is  
16 valid on July 1, 2017, and was issued by the Department of Wildlife  
17 shall be deemed to be a master guide license or subguide license, as  
18 appropriate, issued by the Board to License Master Guides and  
19 Subguides pursuant to NRS 504.390, as amended by section 7 of  
20 this act, and remains valid until its expiration date, if the holder of  
21 the license otherwise remains qualified to hold the license on or  
22 after July 1, 2017.

23 **Sec. 14.** This act becomes effective:

24 1. Upon passage and approval for the purpose of adopting  
25 regulations and performing any other preparatory administrative  
26 tasks that are necessary to carry out the provisions of this act; and

27 2. On July 1, 2017, for all other purposes.

