

Amendment No. 1074

Senate Amendment to Senate Bill No. 275	(BDR 45-150)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JRS/RBL



Date: 6/2/2019

S.B. No. 275—Makes various changes relating to licensing and regulation of master guides and subguides. (BDR 45-150)



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 Advisory Guide 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;~~ 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:

Existing law requires a person who provides certain guide ~~service~~ services relating to hunting or fishing to obtain a master guide license from the Department of Wildlife and each person who provides certain assistance to a master guide and acts as a guide during the course of that activity ~~is required~~ to obtain a subguide license from the Department. ~~{NRS 504.390} Sections 2-4 of this bill add internal references to those licensing requirements.~~ Existing law also authorizes the Board of Wildlife Commissioners to adopt regulations concerning the conduct and operation of a guide service. (NRS 504.390)

~~{Sections 7-10}~~ **Section 8** of this bill ~~creates~~ creates the Advisory Guide Board ~~to License Master Guides and Subguides~~ within the Department of Wildlife to consist of ~~five~~ the chief law enforcement officer of the Department or his or her designee, who serves as an ex officio member, and four members ~~all of whom are~~ appointed by the Governor. **Section** ~~{5}~~ 10 of this bill ~~removes the fees charged by the Department for a resident and nonresident master guide's license and resident and nonresident subguide's license, which are instead added in section 11 of this bill and paid to~~ sets forth the duties of the Board. ~~{Section 11 also provides for the use of those fees by the Board and provides that those fees do not revert to the State General Fund at the end of any fiscal year. Section 1 of this bill makes a conforming change. Sections 11, 12 and 14 of this bill transfer the powers and duties relating to the licensure and regulation of the activities of master guides and subguides from the Department of Wildlife and the Board of Wildlife Commissioners to the Board to License~~

~~Master Guides and Subguides.]~~ **Section 13** of this bill ~~[removes]~~ **authorizes, rather than requires, the Commission to impose** an additional penalty ~~[that was authorized]~~ **against a person** for acting as a master guide or subguide without a license.

~~[Section 15 of this bill makes current regulations of the Board of Wildlife Commissioners continue until they are repealed, replaced or amended by the Board to License Master Guides and Subguides.]~~ **Section 16** of this bill requires the Governor to appoint members to the **Advisory Guide Board** ~~[to License Master Guides and Subguides]~~ as soon as practicable **after July 1, 2019**, and provides for the staggering of the terms of the members. ~~[Section 17 of this bill ensures that current licenses remain valid until they expire.]~~

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

Section 1. ~~[NRS 501.356 is hereby amended to read as follows:]~~

~~501.356 1. Money received by the Department from:~~

- ~~(a) The sale of licenses;~~
 - ~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~
 - ~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~
 - ~~(d) Appropriations made by the Legislature; and~~
 - ~~(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.2857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.2575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,~~
- ~~— must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

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

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

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

- ~~(a) Only for the protection, propagation and management of wildlife; and~~
- ~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 502.146 is hereby amended to read as follows:]~~

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

~~1. "Restricted nonresident deer hunt" means a deer hunt in which a restricted nonresident deer hunter hunts with a [licensed] master guide or [licensed] subguide [—] who is licensed pursuant to NRS 504.390.~~

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

~~3. "Restricted nonresident deer tag" means a tag which is issued to a nonresident for a restricted nonresident deer hunt.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 502.148 is hereby amended to read as follows:~~

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

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

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

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

~~5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.] **(Deleted by amendment.)**~~

Sec. 4. ~~[NRS 502.149 is hereby amended to read as follows:~~

~~502.149 A restricted nonresident deer hunter must be accompanied at all times during the restricted nonresident deer hunt by the [licensed] master guide *licensed pursuant to NRS 504.390* who cosigned the application or one of the master guide's [licensed] subguides [.] *who is licensed pursuant to that section.* **(Deleted by amendment.)**~~

Sec. 5. ~~[NRS 502.240 is hereby amended to read as follows:~~

~~502.240 1. The Department shall issue:~~

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

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

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

A resident annual fishing license	\$40
A resident 1 day permit to fish	9
Each consecutive day added to a resident 1 day permit to fish	3
A resident annual hunting license	28
A resident annual combination hunting and fishing license	75
A resident trapping license	40
A resident fur dealer's license	63
[A resident master guide's license	750
A resident subguide's license	125]
A nonresident annual fishing license	80
A nonresident annual license to fish solely in the reciprocal	
waters of the Colorado River, Lake Mead, Lake Mojave,	
Lake Tahoe and Topaz Lake	30
A nonresident 1 day permit to fish	18
Each consecutive day added to a nonresident 1 day permit to	
fish	7
A nonresident annual combination hunting and fishing	

license.....	155
A nonresident trapping license.....	188
A nonresident fur dealer's license.....	125
[A nonresident master guide's license.....	1,500
A nonresident subguide's license.....	250]
A nonresident 1-day combination permit to fish and hunt	
upland game birds and migratory game birds.....	23
Each consecutive day added to a nonresident 1-day combination	
permit to fish and hunt upland 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.....	21
For an exportation permit.....	15
For any other special permit issued by the Department, a fee not to	
exceed the highest fee established for any other special permit	
set by the Commission.	

~~7. As used in this section, "severe physical disability" means a physical disability which materially limits a person's ability to engage in gainful employment.~~ (Deleted by amendment.)

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

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

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

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

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

(b) Four members appointed by the Governor ~~shall appoint to the Board;~~

~~as follows:~~

(1) Two members who are licensed master guides; ~~and who hold licenses issued pursuant to NRS 504.390;~~

~~(b) (2) One member who has engaged the services of a ~~person who is~~ licensed ~~as a~~ master guide ~~pursuant to NRS 504.390~~ within the 3 years immediately preceding the member's appointment;~~

~~(c) and~~

(3) One member who is a member of the Commission; ~~and~~

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

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

4. ~~Any~~ An appointed member of the Board may not serve more than two consecutive terms.

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

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

Sec. 9. 1. At its first meeting each year, the members of the Board shall elect a Chair and Vice Chair, who serve until the next Chair and Vice Chair are elected. The Board ~~shall meet as necessary at the call of the Chair or a majority of the members of the Board,~~ may hold not more than six meetings each year.

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

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

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

Sec. 10. The Board shall:

1. ~~Adopt such regulations as are necessary to carry~~ As soon as practicable after receiving an application for a master guide license or subguide license

pursuant to NRS 504.390, review the application and recommend to the Department whether to grant or deny the application;

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

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

~~2.~~ 4. Take any other advisory action necessary to carry out those provisions required by the Commission or Department concerning the licensing of a master guide or subguide.

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

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

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

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

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

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

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

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

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

~~(a) For a person who is a bona fide resident of the State of Nevada:~~

~~For an annual master guide license \$750~~

~~For an annual subguide license 125~~

~~(b) For a person who is not a bona fide resident of the State of Nevada~~

~~For an annual master guide license \$1,500~~

~~For an annual subguide license 250~~

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

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

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

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

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

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

11. The Department [Board] may [issue] :

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

(b) Issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission. ~~[Board]~~

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

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

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

~~504.393 The [Department] Board shall, upon request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, submit to the Division of Welfare and Supportive Services the name, address and social security number of each person who holds a master guide license or subguide license and any pertinent changes in that information.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

~~2. The [Department] **Board** shall reinstate a master guide license or subguide license that has been suspended by a district court pursuant to NRS 425.540 if the [Department] **Board** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.] **(Deleted by amendment.)**~~

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

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

~~3. Any action taken by the Board of Wildlife Commissioners or the Department of Wildlife relating to the licensing or activities of a master guide or subguide remains in effect as if taken by the Board to License Master Guides and Subguides.] **(Deleted by amendment.)**~~

Sec. 16. As soon as practicable after ~~[the effective date of this act,]~~ July 1, 2019, the Governor shall appoint to the Advisory Guide Board ~~[to License Master~~

~~Guides and Subguides~~ within the Department of Wildlife created by section 8 of this act:

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

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

Sec. 18. This act becomes effective ~~1.~~

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

~~2. On on July 1, 2019. . [for all other purposes.]~~