
ASSEMBLY BILL NO. 194—ASSEMBLYMEN GOICOECHEA, BOBZIEN;
HAMBRICK AND SETTELMAYER (BY REQUEST)

FEBRUARY 18, 2009

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes to provisions governing
master guides and subguides. (BDR 45-258)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; expanding the system of assessing
demerit points for wildlife convictions to include certain
convictions concerning master guides and subguides;
prohibiting a person from providing compensation to a
person acting as a master guide or subguide without proof
of licensure; requiring a master guide or subguide to
report certain violations relating to wildlife; increasing the
penalty for acting as a master guide or subguide without a
license issued by the Department of Wildlife; providing
penalties; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Existing law requires each person who provides service as a hunting or fishing
2 guide for compensation or who provides that service as an incidental service to
3 customers of a commercial enterprise to have a master guide license issued by the
4 Department of Wildlife. Existing law also requires any person who assists a master
5 guide and acts as a guide in the course of that activity to have a subguide license
6 issued by the Department. (NRS 504.390) Existing law provides that a person who
7 acts as a master guide or subguide without first obtaining a license from the
8 Department is guilty of a gross misdemeanor. (NRS 504.395) **Section 9** of this bill
9 increases the penalty for such a violation from a gross misdemeanor to a category E
10 felony. **Sections 1 and 2** of this bill conform existing references to such a violation
11 to account for the change in the penalty. **Section 5** of this bill prohibits a person
12 from knowingly compensating a person who engages in activity for which a master



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13 guide license or subguide license is required unless the person engaging in that
14 activity provides proof that he is the holder of such a license to the person
15 providing the compensation. **Section 5** makes a violation of that prohibition a gross
16 misdemeanor. **Section 6** of this bill requires a holder of a master guide license or
17 subguide license to notify a game warden or other appropriate federal or state
18 agency if the holder of the master guide license or subguide license observes or
19 becomes aware of a violation of certain federal or state laws or regulations
20 governing wildlife. **Section 6** imposes a misdemeanor penalty against the holder of
21 the master guide license or subguide license if he fails to report the violation
22 promptly. **Sections 7 and 8** of this bill revise the definition of "guide" for the
23 purpose of requiring the issuance of master guide licenses and subguide licenses.
24 (NRS 504.390)

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

- 1 **Section 1.** NRS 501.171 is hereby amended to read as follows:
2 501.171 1. A county advisory board to manage wildlife shall
3 submit written nominations for appointments to the Commission
4 upon the request of the Governor and may submit nominations at
5 any other time.
6 2. After consideration of the written nominations submitted by
7 a county advisory board to manage wildlife and any additional
8 candidates for appointment to the Commission, the Governor shall
9 appoint to the Commission:
10 (a) One member who is actively engaged in the conservation of
11 wildlife;
12 (b) One member who is actively engaged in farming;
13 (c) One member who is actively engaged in ranching;
14 (d) One member who represents the interests of the general
15 public; and
16 (e) Five members who during at least 3 of the 4 years
17 immediately preceding their appointment held a resident license to
18 fish or hunt, or both, in Nevada.
19 3. The Governor shall not appoint to the Commission any
20 person who has been convicted of:
21 (a) A felony or gross misdemeanor for a violation of
22 NRS 501.376;
23 (b) A gross misdemeanor for a violation of NRS 502.060 ; ~~or~~
24 ~~504.395; or~~
25 (c) *A felony for a violation of NRS 504.395; or*
26 (d) Two or more violations of the provisions of chapters 501 to
27 504, inclusive, of NRS,
28 ↳ during the previous 10 years.
29 4. Not more than three members may be from the same county
30 whose population is 400,000 or more, not more than two members



1 may be from the same county whose population is 100,000 or more
2 but less than 400,000, and not more than one member may be from
3 the same county whose population is less than 100,000.

4 5. The Commission shall annually select a Chairman and a
5 Vice Chairman from among its members. A person shall not serve
6 more than two consecutive terms as Chairman.

7 **Sec. 2.** NRS 501.172 is hereby amended to read as follows:

8 501.172 1. A member of the Commission may be removed
9 from office for just cause.

10 2. A member of the Commission must be removed from office
11 for:

12 (a) A conviction of a felony or gross misdemeanor for a
13 violation of NRS 501.376;

14 (b) A conviction of a gross misdemeanor for a violation of NRS
15 502.060 ; ~~for 504.395; or~~

16 (c) *A conviction of a felony for a violation of NRS 504.395; or*

17 (d) Two or more convictions of violating the provisions of
18 chapters 501 to 504, inclusive, of NRS.

19 **Sec. 3.** NRS 501.1812 is hereby amended to read as follows:

20 501.1812 As used in NRS 501.1812 to 501.1818, inclusive,
21 unless the context otherwise requires:

22 1. "License" means a license or tag issued by the Department
23 for:

24 (a) Recreational hunting or fishing; or

25 (b) Taking fur-bearing mammals, trapping unprotected
26 mammals or selling raw furs for profit.

27 2. "Permit" means a permit issued by the Department for
28 recreational hunting or fishing.

29 3. "Wildlife conviction" means a conviction obtained in any
30 court of competent jurisdiction in this State, including, without
31 limitation, a conviction obtained upon a plea of nolo contendere or
32 upon a forfeiture of bail not vacated in any such court, for a
33 violation of:

34 (a) A provision of this title or any regulation adopted pursuant to
35 this title other than a provision of NRS 502.370, 502.390, 503.185,
36 503.310 or 504.295 to ~~504.390;~~ 504.380, inclusive; or

37 (b) A provision of the Lacey Act ~~Amendment~~ *Amendments* of
38 1981, ~~Public Law 97-79;~~ *16 U.S.C. §§ 3371 et seq.*, if the violation
39 of that provision is based on a violation of a law or regulation of this
40 State.

41 **Sec. 4.** Chapter 504 of NRS is hereby amended by adding
42 thereto the provisions set forth as sections 5 and 6 of this act.

43 **Sec. 5. 1.** *A person shall not, directly or indirectly,*
44 *knowingly compensate a person who holds himself out as*
45 *providing guide service or engaging in business as a master guide*



1 *or subguide, or acting in any other capacity for which a master*
2 *guide license or subguide license is required pursuant to NRS*
3 *504.390, unless the person acting in that capacity provides proof*
4 *that he is a holder of such a master guide license or subguide*
5 *license to the person providing the compensation.*

6 *2. A person who violates the provisions of subsection 1 is*
7 *guilty of a gross misdemeanor.*

8 **Sec. 6.** *1. If a holder of a master guide license or subguide*
9 *license observes or otherwise becomes aware of a violation of any*
10 *provision of this title, a regulation adopted pursuant to this title or*
11 *a federal law or regulation governing wildlife, the holder of the*
12 *license shall promptly report the violation to a game warden or*
13 *other appropriate federal or state agency.*

14 *2. In addition to any revocation of or refusal to issue a*
15 *license pursuant to subsection 9 of NRS 504.390, a person who*
16 *violates the provisions of subsection 1 is guilty of a misdemeanor.*

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

18 504.390 1. As used in this section, unless the context requires
19 otherwise, "guide" means to assist another person in hunting wild
20 mammals or wild birds and fishing . ~~and includes the transporting~~
21 ~~of another person or his equipment to hunting and fishing locations~~
22 ~~within a general hunting and fishing area whether or not the guide~~
23 ~~determines the destination or course of travel.]~~

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

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

36 (a) Is employed by or assists a person who holds a master guide
37 license solely for the purpose of cooking, cutting wood or caring for,
38 grooming or saddling livestock; or

39 (b) Holds a master guide license which authorizes him to
40 provide services for the same species and in the same areas as the
41 guide who employs him or requests his assistance and has submitted
42 to the Department a notarized statement which indicates that he is
43 employed by or provides assistance to the guide. The statement must
44 be signed by both guides.



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

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

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

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

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

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

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

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

35 **Sec. 8.** NRS 504.390 is hereby amended to read as follows:

36 504.390 1. As used in this section, unless the context requires
37 otherwise, "guide" means to assist another person in hunting wild
38 mammals or wild birds and fishing . ~~[and includes the transporting
39 of another person or his equipment to hunting and fishing locations
40 within a general hunting and fishing area whether or not the guide
41 determines the destination or course of travel.]~~

42 2. Each person who provides guide service for compensation or
43 provides guide service as an incidental service to customers of any
44 commercial enterprise, whether a direct fee is charged for the guide
45 service or not, must obtain a master guide license from the



1 Department. Such a license must not be issued to any person who
2 has not reached 21 years of age.

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

9 (a) Is employed by or assists a person who holds a master guide
10 license solely for the purpose of cooking, cutting wood or caring for,
11 grooming or saddling livestock; or

12 (b) Holds a master guide license which authorizes him to
13 provide services for the same species and in the same areas as the
14 guide who employs him or requests his assistance and has submitted
15 to the Department a notarized statement which indicates that he is
16 employed by or provides assistance to the guide. The statement must
17 be signed by both guides.

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

20 5. Any person who desires a master guide license must apply
21 for the license on a form prescribed and furnished by the
22 Department. The application must contain such information as the
23 Commission may require by regulation. If that person was not
24 licensed as a master guide during the previous licensing year, his
25 application must be accompanied by a nonrefundable fee of \$1,500.

26 6. Any person who desires a subguide license must apply for
27 the license on a form prescribed and furnished by the Department. If
28 that person was not licensed as a subguide during the previous
29 licensing year, his application must be accompanied by a
30 nonrefundable fee of \$50.

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

35 8. The holder of a master guide license shall maintain records
36 of the number of hunters and fishermen served, and any other
37 information which the Department may require concerning fish and
38 game taken by such persons. The information must be furnished to
39 the Department on request.

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



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

3 11. The Department may issue master guide and subguide
4 licenses that are valid only in certain management areas,
5 management units or administrative regions in such a manner as
6 may be determined by the regulations of the Commission.

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

8 504.395 1. Any person who acts as a master guide or as a
9 subguide without first obtaining a license pursuant to NRS 504.390
10 is guilty of a ~~[gross misdemeanor.]~~ *category E felony and shall be*
11 *punished as provided in NRS 193.130.*

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

18 **Sec. 10.** 1. This section and sections 1 to 7, inclusive, and 9
19 of this act become effective on October 1, 2009.

20 2. Section 7 of this act expires by limitation on the date on
21 which the provisions of 42 U.S.C. § 666 requiring each state to
22 establish procedures under which the state has authority to withhold
23 or suspend, or to restrict the use of professional, occupational and
24 recreational licenses of persons who:

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

28 (b) Are in arrears in the payment for the support of one or more
29 children,

30 ↪ are repealed by the Congress of the United States.

31 3. Section 8 of this act becomes effective on the date on which
32 the provisions of 42 U.S.C. § 666 requiring each state to establish
33 procedures under which the state has authority to withhold or
34 suspend, or to restrict the use of professional, occupational and
35 recreational licenses of persons who:

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

39 (b) Are in arrears in the payment for the support of one or more
40 children,

41 ↪ are repealed by the Congress of the United States.



