

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R110-05

Effective October 31, 2005

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

AUTHORITY: §§1-3, NRS 501.105, 501.181 and 504.390.

A REGULATION relating to wildlife; establishing the period during which the Department of Wildlife must administer certain examinations for the issuance or reissuance of a subguide license; authorizing the Department to deny an application for or revoke or suspend a guide's license for an outstanding warrant for the arrest of the applicant or guide in any state; deleting certain provisions requiring a guide to update records relating to clients; expanding the period during which a master guide must submit certain record forms to the Department; and providing other matters properly relating thereto.

Section 1. NAC 504.608 is hereby amended to read as follows:

504.608 1. Before submitting an application for a license as a master guide or subguide for:

(a) Any hunting service, a person must pass an examination related to hunting established by the Department with a minimum score of 80 percent.

(b) Any fishing service, a person must pass an examination related to fishing established by the Department with a minimum score of 80 percent.

(c) Hunting and fishing services, a person must pass the examinations described in paragraphs (a) and (b) with minimum scores of 80 percent.

2. A master guide licensed by the Department who desires to add a fishing or hunting service to his license must pass an examination established by the Department with a minimum score of 80 percent.

3. A person who fails to renew his master guide or subguide license for 3 consecutive years must pass the applicable examination required pursuant to subsection 1 before the Department will reissue his license.

4. The Department shall administer the examinations required pursuant to this section by appointment at its regional offices located in Las Vegas, Reno and Elko from :

(a) April 1 to November 30 of each year ~~for~~ for:

(1) Applicants for the issuance or reissuance of a master guide license; or

(2) A master guide who wishes to add a fishing or hunting service to his license; and

(b) January 1 to December 31 of each year for applicants for the issuance or reissuance of a subguide license.

5. A person may only take the examinations required pursuant to this section twice in a calendar year.

Sec. 2. NAC 504.671 is hereby amended to read as follows:

504.671 The Department may deny an application for or revoke or suspend a guide's license for any of the following:

1. Fraud or deception in procuring a license.
2. Fraudulent, untruthful or misleading advertising.
3. A conviction of any felony.
4. A conviction of having violated a regulation of a federal land management agency.

5. Immoral, unethical or dishonorable conduct in the licensee's relation to his guest, client, patron or a member of the public while providing guide services.

6. A conviction of having violated a provision of:

(a) Chapter 488 or title 45 of NRS, or any regulation adopted pursuant thereto, or for a conviction of having violated an equivalent provision in the law or regulations of any other state or the Federal Government; or

(b) NRS 444.630 or 445A.465, or any regulation adopted pursuant thereto, relating to the conduct of the guide while providing guide services.

➡ For the purposes of this subsection, the term "conviction" means a final conviction. A forfeiture of bail or collateral deposited to secure a defendant's appearance or a plea of nolo contendere is equivalent to a conviction.

7. A guide's substantial breach of any contract with any person utilizing his services, as determined by a court of competent jurisdiction.

8. Operation by a guide in an area other than that for which he is licensed or specifically authorized by the Department or the federal land management agency having jurisdiction.

9. The employment or use of an unlicensed subguide by a master guide.

10. Two or more convictions of any provision of chapter 484 or 488 of NRS or an equivalent provision of law of any other state or the Federal Government relating to driving a motor vehicle or operating a boat while under the influence of an intoxicating liquor or a controlled substance within the 7 years immediately preceding the application for a license to be a guide.

11. A conviction of any provision of chapter 453 of NRS or an equivalent provision of law of any other state or the Federal Government relating to controlled substances within the 5 years immediately preceding the application for a license to be a guide.

12. Failing to report to the Law Enforcement Bureau of the Department, without undue delay, any violation of the wildlife laws or regulations of which the guide has knowledge.

13. Shooting, killing or taking a client's wildlife.

14. Failing to comply with any provision of NAC 504.663, 504.685 or 504.688.

15. Providing guide services relating to hunting or fishing on public land or public waters without having the necessary special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit.

16. Providing guide services relating to hunting or fishing on private land in violation of NRS 503.240.

17. Intimidating, threatening or intentionally interfering with a person who is lawfully hunting or fishing, or who is attempting to do so.

18. Revocation of a hunting or fishing license of the guide in any state.

19. An outstanding warrant for the arrest of the applicant or guide issued in any state.

Sec. 3. NAC 504.688 is hereby amended to read as follows:

504.688 1. Licensed master guides and subguides shall keep and have available complete, current and accurate records regarding their clients.

2. Records regarding clients must be written on forms furnished by the Department to all licensed master guides. These forms will include spaces for:

(a) The client's name.

(b) The client's hunting or fishing license number, whichever is applicable.

- (c) The client's tag or permit number, if a tag or permit is required by the Department.
 - (d) The dates, specifying the days, months and years, on which the client was guided.
 - (e) The date, specifying the day, month and year, on which each species of wildlife was harvested, the species harvested and the number of the species harvested.
 - (f) The point class of the animal harvested if the animal is a deer or elk.
 - (g) The management unit where each animal was harvested.
 - (h) The name of each of the guides who guided the client.
3. A guide shall:
- (a) Make the initial entry in the records that are required pursuant to subsection 2 on the first day that he provides guide services to the client; *and*
 - (b) ~~Update the records required pursuant to subsection 2 for as long as guide services are provided to the client; and~~
 - ~~—(c)~~ Make the final entry in the records required pursuant to subsection 2 on the final day guide services are provided to the client.
4. The master guide shall submit to the Department all original record forms for his clients, including the record forms of any subguides employed by the master guide, no later than December ~~14~~ *31* of the year for which the guide is currently licensed.
5. The master guide and subguide shall present his clients' records for inspection at any reasonable hour or place to any agent of the Department authorized to enforce the provisions of NAC 504.590 to 504.711, inclusive.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R110-05

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R110-05 which pertain to chapter 504 of the Nevada Administrative Code on September 24, 2005.

Date of adoption by agency: 9/24/2005

Hearing date: 9/23/2005 & 9/24/2005

Filing date: 10/31/2005

INFORMATIONAL STATEMENT

1. **Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.** In addition to the traditional mail out to the Board of Wildlife Commissioners, and the 17 county advisory boards to manage wildlife, the regulation was sent to all licensed master guides and subguides. Public comment is solicited throughout the workshop and meeting to act upon the regulation.
2. **The number of persons who:**
 - (a) **Attended each hearing:** 8
 - (b) **Testified at each hearing:** 0
 - (c) **Submitted to the agency written statements:** 0
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:**
4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**

No changes due to guides and public are satisfied with the regulation.
5. **The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**
 - (1) Adverse – None
 - (2) Beneficial – None
 - (3) Immediate - None
 - (4) Long term - None
 - (b) **Estimated economic effect on the public which they are to regulate.**
 - (1) Adverse – None
 - (2) Beneficial - None
 - (3) Immediate - None
 - (4) Long term - None

6. The estimated cost to the agency for enforcement of the proposed regulation: None

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: None

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency: N/A

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: None

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:
None